Calendar No. 2325

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2301

FAVORING THE GRANTING OF THE STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. Con. Res. 221]

The Committee on the Judiciary, to which was referred the concurrent resolution (H. Con. Res. 221) favoring the granting of the status of permanent residence to certain aliens, having considered the same, reports favorably thereon with an amendment and recommends that House Concurrent Resolution 221, as amended, do pass.

AMENDMENT

On page 5, after line 9, add the following name: "A-9687099, Yiu, Leung".

PURPOSE OF THE CONCURRENT RESOLUTION

The purpose of the concurrent resolution, as amended, is to record congressional approval of the granting of the status of permanent residence in the United States to certain displaced persons whom the Attorney General has determined to be eligible for such privilege under the provisions of section 4 of the Displaced Persons Act of 1948, as amended (62 Stat. 1011; 64 Stat. 219; 50 App. U. S. C. 1953).

The purpose of the amendment is to add the name of one alien which was not included in the concurrent resolution as it passed the House of Representatives.

STATEMENT OF FACTS

Section 4 of the Displaced Persons Act of 1948, as amended, provides for adjustment of the immigration status in the cases of certain aliens who establish that they lawfully entered the United States as nonimmigrants under section 3 or as nonquota immigrant students under subsection (e) of section 4 of the Immigration Act of May 26, 1924, as

amended. The act provides that if the Attorney General shall, upon consideration of all the facts and circumstances of each case, determine that the alien has been of good moral character for the preceding 5 years and that such alien is qualified under the provisions of said section 4 of the Displaced Persons Act of 1948, as amended, the Attorney General shall report to the Congress all of the pertinent facts in the case. If during the session of the Congress at which a case is reported or prior to the end of the session of the Congress next following the session at which a case is reported, the Congress passes a concurrent resolution stating in substance that it favors the granting of the status of permanent residence to such alien, the Attorney General is authorized, upon receipt of a prescribed fee, to record the admission of the alien for permanent residence as of the date of the alien's last entry into the United States. If prior to the end of the session of the Congress next following the session at which a case is reported, the Congress does not pass such resolution, the Attorney General is required to deport such alien. The act further provides that the number of displaced persons who shall thus be granted the status of permanent residence shall not exceed 15,000. Upon the grant of status of permanent residence to an alien pursuant to said section 4, of the Displaced Persons Act of 1948, as amended, the Secretary of State shall, if the alien was a quota immigrant at the time of entry, reduce by one the immigration quota of the country of the alien's nationality as defined in section 202 of the Immigration and Nationality Act, for the fiscal year then current or the next succeeding fiscal year in which a quota number is available, except that such quota deductions shall be made within certain limitations.

Included in the concurrent resolution, as amended, are 72 names. In each case which is recommended for approval, a check has been made to determine whether or not the alien (*a*) has met the requirements of the law, (*b*) is of good moral character, and (*c*) is possessed of strong equities which would warrant the granting of the status of permanent residence.

The committee, after consideration of all the facts in each case referred to in the concurrent resolution, recommends that the concurrent resolution (H. Con. Res. 221), as amended, do pass.

Calendar No. 2326

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2302

APPROVING THE GRANTING OF THE STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. Con. Res. 228]

The Committee on the Judiciary, to which was referred the concurrent resolution (H. Con. Res. 228) favoring the granting of the status of permanent residence to certain aliens, having considered the same, reports favorably thereon with amendments and recommends that House Concurrent Resolution 228, as amended, do pass.

AMENDMENTS

1. On page 3, strike out line 3.
2. On page 6, line 2, strike the name "Yung-Ling", and insert in lieu thereof the name "Yung-Ying".
3. On page 12, strike out line 9.
4. On page 13, line 9, strike the name "Gfeliner, Theresa (nee Deri)", and insert in lieu thereof the name "Deri, Theresa (nee Gfellner)".
5. On page 22, line 6, strike the name "Deszo", as it appears at the end of line 6, and insert in lieu thereof the name "Dezso".

PURPOSE OF THE CONCURRENT RESOLUTION

The purpose of the concurrent resolution, as amended, is to record congressional approval of the granting of the status of permanent residence in the United States to certain refugees whom the Attorney General has determined to be eligible for such relief under the provisions of section 6 of the Refuge Relief Act of 1953 (67 Stat. 403), as amended by the act of August 31, 1953 (68 Stat. 1044).

The resolution has been amended to delete the names of 2 aliens at the request of the Immigration and Naturalization Service, and to correct the spelling of 3 names.

STATEMENT OF FACTS

Prior to August 31, 1953, section 6 of the Refugee Relief Act authorized the granting of the status of permanent residence in the United States to a limited number of aliens, not to exceed 5,000, who lawfully entered the United States as bona fide nonimmigrants prior to July 1, 1953, and because of events which have occurred subsequent to their entry are unable to return to their country of birth, or nationality, or last residence because of persecution or fear of persecution on account of race, religion, or political opinion. Public Law 751, 83d Congress, 2d session, amended section 6 by providing that otherwise eligible aliens must establish that, either by events which occurred prior to their entry or subsequent to their entry, they are unable to return to their country of birth, or nationality, or last residence, because of persecution or fear of persecution on account of race, religion, or political opinion.

The act provides that if the Attorney General shall, upon consideration of all the facts and circumstances of the case, determine that such alien has been of good moral character for the preceding 5 years and that the alien was physically present in the United States on the date of the enactment of the Act and is otherwise qualified under all other provisions of the Immigration and Nationality Act except that the quota to which he is chargeable is oversubscribed, the Attorney General shall report to the Congress all the pertinent facts in the case. If, during the session of the Congress in which a case is reported or prior to the end of the session of the Congress next following the session in which a case is reported, the Congress passes a concurrent resolution stating in substance that it approves the granting of the status of an alien lawfully admitted for permanent residence to such alien, the Attorney General is authorized, upon the payment of the required visa fee, which shall be deposited in the Treasury of the United States, to the account of miscellaneous receipts, to record the alien's lawful admission for permanent residence as of the date of the passage of such concurrent resolution. If, within the above specified time, the Congress does not pass such a concurrent resolution, or, if either the Senate or the House of Representatives passes a resolution stating in substance that it does not approve the granting of the status of an alien lawfully admitted for permanent residence, the Attorney General shall thereupon deport such alien in the manner provided by law.

Included in the concurrent resolution, as amended, are 961 names. In each case which is recommended for approval, a check has been made to determine whether or not the alien (a) has met the requirements of the law, (b) is of good moral character, and (c) is possessed of strong equities which would warrant the granting of the status of permanent residence.

The committee, after consideration of all the facts in each case included in the concurrent resolution, recommends that the concurrent resolution (H. Con. Res. 228), as amended, do pass.

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Calendar No. 2327

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2303

CERTAIN RELATIVES OF UNITED STATES CITIZENS

JUNE 25 (legislative day, JUNE 22) 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 456]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 456) for the relief of certain relatives of United States citizens, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution, as amended, do pass.

AMENDMENTS

1. On page 1, line 7, strike the word "under" and insert in lieu thereof the following: "and upon compliance with".
2. On page 2, line 4, after the name "Huffman", insert the name "Stella W. Janinis".
3. On page 2, line 4, after the name "Jackson", insert the name "Reinhold H. Meric".
4. On page 2, lines 6 and 7, strike the name "Marcelle Sullivan".

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to grant the status of permanent residence in the United States to 26 spouses of United States citizens. Provision is made for the payment of the required visa fees and for the posting of a bond in each case as a guaranty that the beneficiaries will not become public charges. The joint resolution also grants the status of permanent residence in the United States to the minor child of one of the beneficiaries, and provision is made for the payment of the required visa fee in his case. The joint resolution has been amended to add 2 names, 1 of which was deleted from previous legislation to grant a waiver of the excludable ground, when it was learned that he had been admitted to the United States temporarily to receive medical treatment, and the other who was the beneficiary of S. 2187, whose case is similar to those included

in the joint resolution as it passed the House of Representatives. The joint resolution has also been amended to delete the name of one beneficiary who has departed from the United States, and to make a technical amendment in the language of the joint resolution.

STATEMENT OF FACTS

The beneficiaries of the joint resolution are 26 spouses of United States citizens, who were all admitted to the United States to receive medical treatment for tuberculosis, and the minor child of one of the beneficiaries, who was admitted to the United States by claiming to be the son of a United States citizen. Seventeen of the beneficiaries were included in the joint resolution upon the submission by the Department of State of a list of names of spouses of United States citizens who were admitted to the United States temporarily for treatment for tuberculosis. The joint resolution was subsequently amended in the House of Representatives to include the beneficiaries of seven similar House bills. The language of the joint resolution provides the necessary assurances that each beneficiary will submit to treatment for tuberculosis as long as such treatment is necessary. The minor beneficiary has been adopted by his citizen stepfather since his admission into this country.

Complete documentation in the case of Reinhold H. Meric was submitted to the Committee on the Judiciary of the House of Representatives by the Department of State, and is presently contained in the files of that committee.

Letters, memoranda, and other information relating to the remaining beneficiaries, read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 25, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. J. Res. 456) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Liselotte H. Brahaney, one of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files. Separate memoranda of information relating to the other beneficiaries are being prepared for transmittal to you.

This bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LISELOTTE H. BRAHANEY, BENEFICIARY OF HOUSE JOINT RESOLUTION 456

The beneficiary, whose correct name is Lieselotte H. Brahaney, nee Haefner, is a native and citizen of Germany, who was born on July 16, 1930. She resides with her husband, Sfc. Cullen J. Brahaney, United States Army, and their 3-year-old United States citizen daughter at 369 Saint Pauls Place, Stapleton, Staten Island, N. Y. Sergeant Brahaney is attached to G–2 Section, First Army Headquarters, Governor's Island, New York Harbor. He receives $4,000 a year in pay and allowances. His assets consist of personal property and effects valued at $1,600. Mrs. Brahaney's only other close relatives are her parents and a sister, who are citizens and residents of Germany.

Mrs. Brahaney's only entry into the United States occurred on March 25, 1955, at New York, N. Y., at which time she was admitted for a period of 6 months for medical treatment under the authority contained in section 212 (d) (3) of the Immigration and Nationality Act. She received one extension of her stay until March 24, 1956. The beneficiary had been previously denied an immigrant visa by the American consul at Munich, Germany, on the ground that she was afflicted with tuberculosis. Mrs. Brahaney states that upon examination by physicians in this country since her entry her condition was found to be in an arrested state, and required no further medical treatment.

Deportation proceedings were instituted against the beneficiary on March 26, 1956, on the ground that after admission as a visitor she remained in the United States for a longer time than permitted. These proceedings are now pending.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 27, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. J. Res. 456) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Lottie M. Farwell, one of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service file relating to that beneficiary by the San Francisco, Calif., office of this service, which has custody of that file. Separate memoranda of information relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee, under such conditions and controls which the Attorney General, after appropriate consultation, may deem necessary to impose, provided that a suitable and proper bond or undertaking be deposited.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LOTTIE M. FARWELL, ONE OF THE BENEFICIARIES OF HOUSE JOINT RESOLUTION 456

Lottie M. Farwell, also known as Lottie Mary Farwell, nee Morse, was born on October 3, 1925, at Pembrookshire, Wales, and is a British subject. She was married in Wales to Henry Meigs Farwell, a United States citizen. Their daughter, Susan, born on September 28, 1953, in Oxford, England, and a United States citizen at birth lives with them at 3601 Myrtle Avenue in North Highlands, Calif.

The beneficiary, not now employed, previously worked as a Red Cross nurse in England. She attended schools in Wales for 11 years and then took 2 additional years of nurse's training. Other than her immediate family, she has no relatives in the United States. Her parents, two brothers, and a sister live in Wales.

Mrs. Farwell last arrived in the United States at New York, N. Y., June 1, 1955, on the U. S. N. S. *General Randall* and was admitted as a visitor. She was granted an extension of stay to April 30, 1956. Deportation proceedings were instituted against her on March 5, 1956, on the ground that she failed to maintain the status in which she was admitted. A special inquiry officer's order, which became final on March 12, 1956, granted her voluntary departure with the alternative of deportation should she fail to avail herself of this privilege. Her physician's certificate of February 8, 1956, indicated there is no visible evidence that she has parenchymal pulmonary disease or tuberculosis in any contagious form.

Henry Meigs Farwell, who was born on January 18, 1922, in Rockford, Ill., has been in the Armed Forces continuously since 1946. A technical sergeant in the United States Air Force, he earns $350 monthly including allowances. The beneficiary receives a pension of $10 monthly for her former military nursing. They own an automobile and trailer valued at $4,000 and bonds worth $300. In addition, they have $2,000 in the bank. Mr. Farwell's parents and two sisters live in the United States.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE.
Washington, D. C., March 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to House Joint Resolution 456 for the relief of certain relatives of United States citizens, there is attached a memorandum of information concerning Maria G. Hahner, one of the beneficiaries named in this resolution. This memorandum has been prepared from the Immigration and Naturalization Service file relating to this beneficiary by the Philadelphia, Pa., office of this Service, which has custody of that file. Separate memoranda of information relating to the other beneficiaries named in the resolution are being prepared for transmittal to you.

The resolution would grant the beneficiaries the status of permanent residents of the United States upon payment of the required visa fees,

under such controls and conditions which the Attorney General may deem necessary to impose after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare. The resolution would also require that bonds be deposited to insure that the beneficiaries shall not become public charges.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA G. HAHNER, ONE OF THE BENEFICIARIES NAMED IN HOUSE JOINT RESOLUTION 456

The beneficiary, a native and citizen of Austria, was born on April 18, 1928, in Austria. She married Charles Hahner on October 23, 1951. They have one child, Geraldine Hahner, born in Austria on January 19, 1949, who is a citizen of the United States. The beneficiary's parents, 1 brother, and 2 sisters reside in Austria. She completed elementary and high school in her native country. She is presently a housewife and dependent upon her husband for support. She resides at Fort Dix, N. J., with her husband and child.

In December 1955, the beneficiary applied for an immigrant visa at the American consulate in Salzburg, Austria. As she was afflicted with tuberculosis at that time, she was found to be ineligible to receive such visa and inadmissible to the United States under section 212 (a) (6) of the Immigration and Nationality Act. The provisions of the foregoing section of law were subsequently waived on behalf of the beneficiary in order to permit her to enter the United States as a temporary visitor for medical treatment conditioned upon the posting of a $1,000 bond to insure that she would not become a public charge and to insure her departure upon the expiration of her period of admission. Following the grant of this waiver, a nonimmigrant visa was issued to the beneficiary and she was admitted to the United States at Westover Air Force Base, Springfield, Mass., on February 14, 1955, as a visitor for medical treatment.

Since entering the United States, the beneficiary has been examined by the United States Army Medical Service at Fort Dix, N. J. The last examination, which was made on December 28, 1955, indicated that the beneficiary's tuberculosis has been arrested.

The beneficiary has indicated an intention to remain permanently in the United States and is, therefore, residing in this country in an illegal status. However, deportation proceedings have not as yet been instituted against her.

The beneficiary's husband, Charles Hahner, is a citizen of the United States. He was born in Jersey City, N. J., on October 29, 1925. He joined the United States Army in 1944 and served in Europe, where he met the beneficiary. He is presently a sergeant stationed at Fort Dix, N. J. His income is $4,200 per year. His assets consist of cash savings in the amount of $1,500 and personal property valued at $1,700.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 30, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. J. Res. 456) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Christiane B. Heath, one of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service file relating to that beneficiary by the Denver, Colo., office of this Service, which has custody of that file. Separate memoranda relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee, under such conditions and controls as the Attorney General may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHRISTIANE B. HEATH, ONE OF THE BENEFICIARIES OF HOUSE JOINT RESOLUTION 456

Christiane B. Heath, nee Bourreau, a French citizen, was born on January 27, 1930, in Paris, France. She married Fred Lavoy Heath, a native and citizen of the United States, on April 27, 1954, in Deols, Chateauroux, Indre, France. They have 1 child, Linda Francoise Phillis, age 1½, who was born in France and who resides with them.

Mrs. Heath has been in Denver, Colo., since her arrival in the United States. She resides with and is dependent upon her husband for support. Mr. Heath is presently serving as a staff sergeant in the United States Air Force, from which he derives an income of $295 a month. Their assets total approximately $600. The beneficiary completed 10 years of schooling in France. She has no living relatives other than her husband and daughter.

Mrs. Heath was admitted to the United States on May 21, 1955, at New York, N. Y., for a temporary period of 6 months for medical treatment. She has been granted an extension of stay to May 20, 1956. She was admitted to Fitzsimons Army Hospital, Denver, Colo., on June 21, 1955, for treatment of pulmonary tuberculosis and was released therefrom in October 1955. Since her release from the hospital she has been receiving outpatient drug therapy and it is estimated such treatment will continue to be required in her case until approximately November of this year.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 27, 1956.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. J. Res. 456) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Adelheid A. Hopson, one of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service file relating to that beneficiary by the Detroit, Mich., office of this Service, which has custody of that file. Separate memoranda of information relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The bill would grant the beneficiary permanent residence in the United States under such controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may impose and upon payment of the required visa fee. The bill further provides that a suitable bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Naturalization Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ADELHEID A. HOPSON, BENEFICIARY OF HOUSE JOINT RESOLUTION 456

The beneficiary, Adelheid A. Hopson, nee Adelsberger, a native and citizen of Austria, was born on August 9, 1927. Her only marriage occurred on April 3, 1954, in Austria. The beneficiary resides at 715 Hubbard Street, Detroit, Mich., with her husband, Cpl. John Edward Hopson, and their daughter, Mary Ann, age 2, both of whom are United States citizens. Mrs. Hopson has three other children who were born prior to her marriage and who reside in Austria. Her 2 eldest children, Wilhelm, age 10, and Annelie, age 9, are being cared for by the beneficiary's parents. The other child, Adele, age 7, has been legally adopted by an Austrian family. The beneficiary and her husband have testified that they plan to bring the two older children to the United States at some future date.

Mrs. Hopson is not employed. She shares her husband's income and assets. Corporal Hopson is presently on duty with the United States Army at Fort Wayne, Detroit, Mich., and receives pay and allowances of approximately $281 a month. His assets consist of $300 in cash savings and personal effects valued at $2,000. The beneficiary has an elementary school education.

The beneficiary arrived in the United States at Springfield, Mass., on January 16, 1955. She was admitted as a visitor for a period of 6 months to obtain medical treatment for tuberculosis. Mrs. Hopson was examined by a United States Public Health surgeon at Detroit, Mich., on January 24, 1956, and was found to be no longer afflicted with tuberculosis. The beneficiary applied for adjustment of her

status to that of a permanent resident under the provisions of section 245 of the Immigration and Nationality Act. Her application was denied on February 27, 1956, as no quota number was available.

Deportation proceedings were instituted on April 17, 1956, and she was found to be subject to deportation for having failed to comply with the conditions of the status in which she was admitted. Her voluntary departure from the United States in lieu of deportation was authorized.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. J. Res. 456) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Margaret A. Huffman, one of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service file relating to that beneficiary by the Tucson, Ariz., office of this Service, which has custody of that file. Separate memorandums of information relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee, under such conditions and controls as the Attorney General may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARGARET A. HUFFMAN, BENEFICIARY OF HOUSE JOINT RESOLUTION 456

Margaret A. Huffman, a British subject, was born on July 26, 1933, in Birmingham, England. She married Howard Gale Huffman, a United States citizen, on April 18, 1953, in Birmingham, England. They have no children. The beneficiary lives with her husband and is wholly dependent upon him for support.

Mrs. Huffman has resided in Tucson, Ariz., since her arrival in the United States. Her husband, an Air Force sergeant, is presently stationed at Davis-Monthan Air Force Base. Their total income, which consists of the husband's Air Force pay and the beneficiary's allotment, amounts to $267 a month. They have a joint savings account of approximately $600. Mrs. Huffman completed elementary school in England. Prior to her marriage, Mrs. Huffman was employed as a bookkeeper. She has an uncle, James Holland, who resides in Detroit, Mich. Her father, mother, 2 brothers, and 1 sister live in England.

The beneficiary was denied an immigrant visa at the American consulate in Liverpool, England, in March 1954 on the grounds that she was afflicted with tuberculosis. She was admitted to the United

States at New York, N. Y., on May 12, 1955, as a nonimmigrant visitor for 6 months for medical treatment. This temporary permit has been extended to May 12, 1956. On August 8, 1955, a medical officer at the Davis-Monthan Air Force Base Civilian Dispensary, Tucson, Ariz., advised that examination at that clinic indicated that pulmonary tubercular activity was questionable, but that since the disease might be minimally active, a course of treatment for 6 or 8 months was recommended. The beneficiary is receiving antituberculosis therapy at the Davis-Monthan Air Force Base Civilian Dispensary as an ambulatory patient.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 5, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2187) for the relief of Stella W. Janinis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As the spouse of a United States citizen, it appears the beneficiary is eligible to nonquota status.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE STELLA W. JANINIS, BENEFICIARY OF S. 2187

The beneficiary, Stella W. Janinis, whose true name appears to be Steliani Janinis, a native and citizen of Greece, was born on November 28, 1928. She married William Janinis, a United States citizen, on December 27, 1953 in Greece. They have one child and are presently residing at 6082 South 75th Avenue, Argo, Ill. Mrs. Janinis completed high school in Greece and studied French at the French Academy in Athens, Greece for 2 years. She is not employed and has no assets. Her only close relative in the United States is an uncle. Her mother, father, two sisters, and a brother reside in Greece.

The beneficiary's only entry into the United States was at the port of New York on December 27, 1954, as a visitor for medical treatment for tuberculosis, upon posting a $1,000 public charge and departure bond. She received an extension of her temporary stay to December 19, 1955. However, she has failed to comply with the conditions of her admission, and deportation proceedings are being instituted. There appears to be no administrative relief available to the beneficiary at this time.

The beneficiary was denied an immigrant visa to permit her entry into the United States for permanent residence by the American consul at Athens, Greece, because of her affliction with tuberculosis. The committee may desire to make inquiry of the Visa Office of the Department of State for further information in this connection.

JEROME R. HEAD, M. D., THEODORE R. HUDSON, M. D., EDWARD E. AVERY, M. D.

CHICAGO, ILL., *March 9, 1955.*

To Whom It May Concern:

This is to certify that Mrs. Stella Janinis of 7735 West 66 Street, Bedford Park, Ill., has been under my observation since December 29, 1954, immediately after her arrival in the United States from Greece. We have found no evidence of any active tuberculosis. The X-rays of her chest taken over the past 3 months show a few scars on the lung but all of our tests for tuberculosis have been negative, indicating that the scars are evidence of ancient, healed disease and are not of clinical significance. Her gastric washings were negative for tubercle bacilli on direct smear and on culture. A guinea pig injected with her gastric washings was reported negative for tuberculosis on February 28, 1955.

JEROME R. HEAD, M. D.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 30, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR CHAIRMAN: In response to your request for a report relative to the bill (H. J. Res. 456) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Jeanne Jackson, one of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files. Separate memorandums of information relating to the other beneficiaries are being prepared for transmittal to you.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JEANNE JACKSON, BENEFICIARY OF HOUSE JOINT RESOLUTION 456

Jeanne Jackson, nee Revire, a French citizen, was born on January 4, 1931, at Taher, Algeria. She resides with her husband, Maj. James E. Jackson, USAF, at 72–10 41st Avenue, Jackson Heights, Queens, N. Y. They have one child, a United States citizen, who was born on May 22, 1953, at Paris, France. Major Jackson is presently stationed at the New York Air Procurement District, Department of the Air Force, 111 East 16th Street, New York, N. Y. His annual pay and allowances amount to approximately $7,500. His assets consist of personal property valued at $3,500 and cash savings of $1,000. The beneficiary's only other relatives are her mother and two brothers who are citizens and residents of France.

The beneficiary, who had been found ineligible by the American Embassy in Paris to receive a visa due to her affliction with tuberculosis, was admitted into the United States on April 4, 1955, at New York, N. Y., for a period of 6 months for medical treatment under the authority contained in section 212 (d) (3) of the Immigration and Nationality Act. She was granted an extension of temporary stay to April 3, 1956. Deportation proceedings were instituted on April 2, 1956, on the ground that the beneficiary, after admission into the United States as a visitor, had failed to maintain such status. She was found deportable on April 9, 1956, and was granted voluntary departure with the alternative of deportation if she failed to depart voluntarily.

Shortly after the beneficiary's arrival in the United States, she was examined at Valley Forge Army Hospital, Phoenixville, Pa., where she received outpatient treatment for her condition, which was last diagnosed in November 1955 as bilateral minimal pulmonary tuberculosis, inactive 18 months.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., February 29, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. J. Res. 456) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Betty M. Mulvany, one of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service file relating to that beneficiary by the San Francisco, Calif., office of this Service, which has custody of that file. Separate memoranda of information relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee, under such conditions and controls which the Attorney General, after appropriate consultation, may deem necessary to impose, provided that a suitable and proper bond or undertaking be deposited.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE BETTY M. MULVANY, ONE OF THE BENEFICIARIES OF HOUSE JOINT RESOLUTION 456

Betty M. Mulvany, nee Townsend, was born on April 21, 1934, in Dundry, Somerset, England, and is a British subject. She was married to Robert Lester Mulvany, a United States citizen, in Bristol, England, on August 1, 1953. Their child, also a United States citizen, was born in Bristol on August 27, 1954. The family lives at 515 Almaden Avenue in San Jose, Calif.

The beneficiary, who is not now employed, previously worked for 2 years as a developer in a photographic laboratory. She attended schools in England until she was 15 years old. She has no assets nor income. Other than her immediate family, she has no relatives in the United States. Her parents, two brothers, and a sister live in England.

Mrs. Mulvany last arrived in the United States at New York, N. Y., December 27, 1954, on the U. S. N. S. *General Darby* and was admitted, upon the posting of a $1,000 bond, as a visitor to receive treatment for the tubercular condition with which she was afflicted. She was hospitalized at public expense, at a cost of approximately $2,300, in the San Mateo County Tubercular Sanatorium in Redwood City, Calif., from January 17 to June 23, 1955, when she was released as an arrested case. She has since reported for treatment once each week to the county hospital in San Jose, Calif., and will probably continue to do so for at least another year. The cost of each treatment, also at public expense, is about $10. The bond posted for the beneficiary was canceled on December 29, 1955. Applications for extensions of her stay were granted to June 25, 1956. As the introduction of the private bill in her behalf terminated her nonimmigrant status, deportation proceedings will be instituted in the immediate future unless she voluntarily departs from the United States.

Robert Lester Mulvany, who was born on December 17, 1930, in Eureka, Calif., is a student at San Jose State College in San Jose, Calif., where he is studying industrial arts and education. A veteran of the United States Air Force who served honorably from December 13, 1950, to December 31, 1954, he receives a grant of $160 monthly under the provisions of Public Law 550, 82d Congress. In addition, he earns about $40 monthly from part-time work. He has no assets, other than the $1,000 deposited as security for the beneficiary's bond, which has not yet been returned to him. His parents live in the United States.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to House Joint Resolution 456 for the relief of certain relatives of United States citizens, there is attached a memorandum of information concerning Lavinia P. Parker, one of the beneficiaries named in

the resolution. This memorandum has been prepared from the Immigration and Naturalization Service file relating to this beneficiary by the Norfolk, Va., office of this Service, which has custody of that file. Separate memorandums of information relating to the other beneficiaries named in the resolution are being prepared for transmittal to you.

The resolution would grant the beneficiaries the status of permanent residents of the United States upon payment of the required visa fees, under such controls and conditions which the Attorney General may deem necessary to impose after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare. The resolution would also require that bonds be deposited to insure that the beneficiaries shall not become public charges.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LAVINIA P. PARKER, ONE OF THE BENEFICIARIES NAMED IN HOUSE JOINT RESOLUTION 456

The beneficiary, a native and citizen of Italy, was born on April 5, 1931, in Trieste, Italy. She married Edward R. Parker on August 25, 1954, in Trieste, Italy. One son, Edward R. Parker, Jr., was born of this marriage at Richmond, Va., on August 19, 1955. The beneficiary's father is deceased. Her mother resides in Italy. She has one sister who resides in the United States. The beneficiary completed high school in her native country and thereafter took a secretarial course. She is presently a housewife and resides with her husband and child at Richmond, Va.

The beneficiary is afflicted with tuberculosis and, therefore, ineligible to receive an immigrant visa as well as inadmissible to the United States under section 212 (a) (6) of the Immigration and Nationality Act. The provisions of the foregoing section of law were waived on behalf of the beneficiary in order to permit her to enter the United States as a temporary visitor conditioned upon the posting of a $1,000 medical-treatment bond. Following the grant of this waiver the beneficiary was issued a nonimmigrant visa and arrived in the United States on May 31, 1955, at New York, N. Y. She was paroled into the United States for an examination to determine the extent of her tuberculosis. The beneficiary was examined by the department of public health in Richmond, Va. Their report showed that the beneficiary's tuberculosis was considered to be inactive. Following this examination, the beneficiary was admitted as a visitor for medical treatment on August 30, 1955.

The beneficiary has indicated an intention to remain permanently in the United States and is, therefore, residing in this country in an illegal status. Deportation proceedings have not as yet been instituted against her.

The beneficiary's husband, Edward R. Parker, is a citizen of the United States. He served in the United States Army from September 2, 1952, to June 9, 1955. He is presently a practicing attorney in Richmond, Va. His income is approximately $400 monthly.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. J. Res. 456) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Marguerite J. Parks, one of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service file relating to that beneficiary by the Denver, Colo., office of this Service, which has custody of that file. Separate memorandums of information relating to other beneficiaries of the bill are being prepared for transmittal to you.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee, under such conditions and controls as the Attorney General may deem necessary to impose and upon the posting of a suitable and proper bond or undertaking.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARGUERITE J. PARKS, ONE OF THE BENEFICIARIES OF HOUSE JOINT RESOLUTION 456

Marguerite J. Parks, nee Fortier, a French citizen, was born on June 25, 1924, in Beaumont le Roger, Normandy, France. She married Alvin James Parks, a native and citizen of the United States, on November 5, 1945, at La Courneuve, France. They have 2 children, ages 9 and 6, who are presently living with their paternal grandmother in Portland, Oreg., during the beneficiary's period of hospitalization.

Mrs. Parks has been in Denver, Colo., since her arrival in the United States except for a period of about a month when she was hospitalized in San Francisco, Calif. Her husband, upon whom she is dependent for support, is a chief warrant officer in the United States Army at Fitzsimons Army Hospital, Denver, Colo. His income from salary and allowances amounts to about $490 a month. Their assets total approximately $1,000. The beneficiary completed high school and 1 year of commercial school in France and she has been employed as a stenographer and secretary. Her parents and sister reside in France. She has no relatives in the United States other than her husband and two children.

Mrs. Parks was admitted to the United States on April 1, 1955, at Westover Field, Springfield, Mass., for a temporary period of 6 months for medical treatment. She has been granted an extension of stay to March 30, 1956. She was admitted to Fitzsimons Army Hospital, Denver, Colo., on May 9, 1955, for treatment of pulmonary tuberculosis and her doctors anticipate that hospitalization will be required for an additional period of several months.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to House Joint Resolution 456 for the relief of certain relatives of United States citizens, there is attached a memorandum of information concerning Pearl Petika, one of the beneficiaries named in the resolution. This memorandum has been prepared from the Immigration and Naturalization Service file relating to this beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of that file. Separate memoranda of information relating to the other beneficiaries named in the resolution are being prepared for transmittal to you.

The resolution would grant the beneficiaries the status of permanent residents of the United States upon payment of the required visa fees, under such controls and conditions which the Attorney General may deem necessary to impose after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare. The resolution would also require that bonds be deposited to insure that the beneficiaries shall not become public charges.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PEARL PETIKA, ONE OF THE BENEFICIARIES NAMED IN HOUSE JOINT RESOLUTION 456

The beneficiary was born on March 3, 1934, in Bungay, Suffolk, England. On May 15, 1954, she married John Petika, Jr., in England. One child, Pamela Pearl Petika, was born of this marriage at Phoenixville, Pa., on June 23, 1955. The beneficiary attended school in her native country for 8 years. Her parents and four sisters reside in England. The beneficiary is a housewife and dependent upon her husband for support. She resides with her husband and child at Cannonsburg, Pa.

In January 1955 the beneficiary applied for an immigrant visa at the American consulate in London, England. As she was afflicted with tuberculosis at that time, she was found to be ineligible to receive an immigrant visa as well as inadmissible to the United States under section 212 (a) (6) of the Immigration and Nationality Act. The provisions of the foregoing section of law were subsequently waived in behalf of the beneficiary in order to permit her to enter the United States as a temporary visitor. Following the grant of this waiver, a nonimmigrant visa was issued to the beneficiary and she was admitted to the United States at Westover Air Force Base, Springfield, Mass., on March 11, 1955, as a visitor for medical treatment.

Upon the beneficiary's entry into the United States, she was admitted to the Valley Forge Army Hospital at Phoenixville, Pa., for treatment. She was discharged from this hospital in September 1955. The beneficiary states that her tuberculosis has been arrested and at the present time she is examined every 2 months by a physician.

The beneficiary has indicated an intention to remain permanently in the United States and is, therefore, residing in this country in an illegal status. However, deportation proceedings have not as yet been instituted against her.

The beneficiary's husband, John Petika, Jr., is a citizen of the United States. He was honorably discharged from the United States Air Force as airman, second class, on October 7, 1955. He is presently attending a technical training school in Pittsburgh, Pa. His income is $160 a month. His assets consist of Government bonds in the amount of $300.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. J. Res. 456) for the relief of certain beneficiaries, there is attached a memorandum of information concerning Antonia T. Pierce, one of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service file relating to that beneficiary by the Portland, Oreg., office of this Service, which has custody of that file. Separate memoranda of information relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. It would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANTONIA T. PIERCE, ONE OF THE BENEFICIARIES NAMED IN HOUSE JOINT RESOLUTION 456

The beneficiary, Antonia T. Pierce, a native and citizen of Italy, was born on June 14, 1927. Her husband, Howard Anthony Pierce, and children, ages 6 and 7, are citizens of the United States. The family group resides at 2819 Southeast 35th Avenue, Portland, Oreg.

The beneficiary is not employed outside the home and has no assets. She attended school in Italy for 5 years. Her parents, 4 brothers, and 4 sisters reside in Italy.

Mrs. Pierce entered the United States under bond at New York, N. Y., on March 28, 1955, as a visitor for medical treatment for tuberculosis. Her temporary stay was extended to March 28, 1956. An order to show cause why she should not be deported was issued on March 1, 1956, charging that she has failed to comply with her visitor status.

Mrs. Pierce entered the Oregon State Tuberculosis Hospital on April 25, 1955, and was discharged on December 16, 1955. At the present time her condition is said to be in an arrested state, although she is scheduled to continue to receive antituberculosis drugs through October 1956.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to House Joint Resolution 456 for the relief of certain relatives of United States citizens, there is attached a memorandum of information concerning Marie T. G. S. Piquette, one of the beneficiaries named in this resolution. This memorandum has been prepared from the Immigration and Naturalization Service file relating to this beneficiary by the Washington, D. C., office of this Service, which has custody of that file. Separate memoranda of information relating to the other beneficiaries named in the resolution are being prepared for transmittal to you.

The resolution would grant the beneficiaries the status of permanent residents of the United States upon payment of the required visa fees, under such controls and conditions which the Attorney General may deem necessary to impose after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare. The resolution would also require that bonds be deposited to insure that the beneficiaries shall not become public charges.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIE T. G. S. PIQUETTE, ONE OF THE BENEFICIARIES NAMED IN HOUSE JOINT RESOLUTION 456

The beneficiary, a native a citizen of France, was born on February 5, 1927, at Mte Melle, France. She married Joseph A. Piquette on March 3, 1953, in Nancy, France. The beneficiary completed high school in her native country. Her parents are deceased. She is a housewife and resides with her husband at 1000 Prince Street, Alexandria, Va.

The beneficiary's husband, Joseph A. Piquette, was born on May 23, 1927, at New Britain, Conn., and is a citizen of the United States. He is presently a sergeant in the United States Army stationed at Fort Belvoir, Va. His income is $312 monthly.

The beneficiary is afflicted with tuberculosis and undergoes an examination every 3 months by the Alexandria, Va., Health Department. She has not been hospitalized since entering the United States.

Due to the beneficiary being afflicted with tuberculosis, she falls within a class of aliens who are ineligible to receive visas and excludable from admission into the United States under the provisions of

the Immigration and Nationality Act. However, the Attorney General has waived such provisions in this case and the beneficiary was admitted to the United States on May 11, 1955, at New York, N. Y., as a visitor for medical treatment, upon the posting of a $1,000 bond to insure that she would not become a public charge and would depart from the United States upon the expiration of her period of admission.

Although the period of time for which the beneficiary was admitted to the United States has not expired, she has evinced an intention to remain permanently in the United States. Deportation proceedings have not as yet been instituted against her.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 9, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to bill (H. J. Res. 456) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Lucienne S. Tappy, one of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service file relating to that beneficiary by the Chicago, Ill., office of this Service, which has custody of that file. Separate memoranda of information relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The resolution would grant the beneficiary permanent residence in the United States upon payment of the required visa fee, under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. It would also require that a bond be deposited to insure that the beneficiary shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUCIENNE S. TAPPY, BENEFICIARY OF HOUSE JOINT RESOLUTION 456

The beneficiary, Lucienne S. Tappy, a native and citizen of Poland, was born on February 7, 1923. She married George Edward Tappy, a United States citizen, in France on April 10, 1947. They have no children and reside at house trailer space No. 822, Fort Sheridan, Ill.

Mrs. Tappy completed 8 years of school in Poland. She is not employed outside the home. She and her husband estimate the value of their personal property at $3,400. The house trailer which they occupy is mortgaged in the amount of $1,100. Her widowed mother and two brothers reside in France. A sister resides in French Morocco.

The beneficiary entered the United States at New York, N. Y., on May 7, 1955, as a visitor for medical treatment for tuberculosis, upon posting a $1,000 bond. She received extensions of stay to January 31, 1956. Her application for preexamination was denied on the

ground that she entered the United States after January 1, 1955. An order to show cause why she should not be ordered deported for failure to comply with the conditions of her admission was issued on February 17, 1956. The special inquiry officer ordered her deported on that ground.

The beneficiary's husband is a sergeant, first class, in the United States Army.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to House Joint Resolution 456 for the relief of certain relatives of United States citizens, there is attached a memorandum of information concerning Antonietta Uhl, one of the beneficiaries named in this resolution. This memorandum has been prepared from the Immigration and Naturalization Service file relating to this beneficiary by the Philadelphia, Pa., office of this Service, which has custody of that file. Separate memoranda of information relating to the other beneficiaries named in the resolution are being prepared for transmittal to you.

The resolution would grant the beneficiaries the status of permanent residents of the United States upon payment of the required visa fees, under such controls and conditions which the Attorney General may deem necessary to impose after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare. The resolution would also require that bonds be deposited to insure that the beneficiaries shall not become public charges.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANTONIETTA UHL, ONE OF THE BENEFICIARIES NAMED IN HOUSE JOINT RESOLUTION 456

The beneficiary, a native and citizen of Italy, was born on March 8, 1926, in Italy. She married Theodore Uhl at Trieste, Italy, on July 9, 1953. The beneficiary attended school for 12 years in hier native country. Her mother is deceased. Her father and half sister reside in Italy. She is a housewife and resides with her husband at Phoenixville, Pa.

The beneficiary's husband, Theodore Uhl, is a citizen of the United States. He was born at Red Bank, N. J., on February 1, 1925. Mr. Uhl enlisted in the United States Army on August 17, 1943. He served in Italy and Saudi Arabia, and is presently a sergeant stationed at the United States Army Hospital, Phoenixville, Pa. His income is $4,400 per year. His assets consist of personal property valued at $2,100 and cash savings in the amount of $150.

On December 6, 1954, the beneficiary applied for an immigrant visa at the American consulate in Salzburg, Austria. As she was afflicted with tuberculosis at that time, she was found to be ineligible to receive an immigrant visa as well as inadmissible to the United States under section 212 (a) (6) of the Immigration and Nationality Act. The provisions of the foregoing section of the law were subsequently waived in behalf of the beneficiary in order to permit her to enter the United States as a temporary visitor conditioned upon the posting of a $1,000 public charge bond. Following the grant of this waiver, a nonimmigrant visa was issued to the beneficiary and she proceeded to the United States arriving at Westover Air Force Base, Mass., on January 6, 1955. As the beneficiary was unable to post the required public charge bond, her temporary admission under the waiver could not be authorized. However, authorization was issued whereby she was paroled into the United States for medical treatment.

The beneficiary was admitted to the United States Army Hospital at Phoenixville, Pa., on January 12, 1955, at which time she was examined and her tuberculosis was considered to have been inactive for the past 15 months. She was discharged from this hospital on March 28, 1955. The beneficiary was also examined by the United States Public Health Service at Philadelphia, Pa., on January 16, 1956. The report of their examination indicates that the beneficiary's tuberculosis is arrested and showed no change from a previous examination which was made on March 5, 1955.

Private bill, H. R. 9827, which was introduced in the beneficiary's behalf in the 83d Congress, was not enacted.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. J. Res. 456) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Jacqueline Walton, one of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service files relating to that beneficiary by the Buffalo, N. Y., office of this Service, which has custody of those files. Separate memoranda of information relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JACQUELINE WALTON, ONE OF THE BENEFICIARIES OF HOUSE JOINT RESOLUTION 456

The beneficiary, Jacqueline Walton, a native and citizen of France, was born on October 6, 1910. She was married on July 25, 1952, at Strasbourg, France, to Daryl F. Walton, a citizen of the United States. This was the first marriage for both. They have two children, Anthony, born on November 16, 1951, at Strasbourg, France, and Robert, born on August 7, 1953, at Salzburg, Austria. Both reside with the beneficiary at Mexico, N. Y. She attended public school in France and previous to her marriage was employed as a seamstress.

Mrs. Walton arrived in the United States at Westover Air Force Base, Springfield, Mass., on December 16, 1954, and was admitted as a visitor for a period of 6 months for the purpose of receiving medical treatment. The children accompanied her and were admitted as United States citizens.

Since January 5, 1955, the beneficiary has been under observation as an outpatient for treatment of pulmonary tuberculosis at the Oswego County Sanatorium, Richland, N. Y. The director of the sanatorium, under date of November 2, 1955, certified that chest X-rays show a very small area of hazy density in the first interspace anteriorly on right and also a few small beadlike areas of calcification around both hilar areas; that on lateral and oblique films the lesion could not be visualized; that specimens of fasting gastric contents were negative for tubercle bacilli; that in comparing her films taken in 1955 with those taken back to 1952, there has been absolutely no change in findings; and that the diagnosis at present is primary pulmonary tuberculosis, inactive for at least 4 years.

Mrs. Walton has been granted several extensions of her temporary stay but as she has now expressed an intent to have her nonimmigrant status in the United States adjusted to that of a permanent resident, it is being administratively held that her lawful nonimmigrant status has been terminated. Deportation proceedings were instituted on April 5, 1956.

The beneficiary has no relatives in the United States other than her immediate family. Her mother resides in France. Her husband, Sfc. Daryl F. Walton, who has been a member of the United States Army since May 29, 1946, is now stationed at Fort Devens, Mass., and receives a base pay of $170 per month. The beneficiary and children are wholly dependent on him for their support. The family assets consist of personal belongings and an equity of $2,100 in a house trailer valued at $3,700.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 12, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to House Joint Resolution 456 for the relief of certain relatives of United States citizens, there is attached a memorandum of information concerning Emilienne S. Yetter, one of the beneficiaries named

in the resolution. This memorandum has been prepared from the Immigration and Naturalization Service file relating to this beneficiary by the Philadelphia, Pa., office of this Service, which has custody of that file. Separate memoranda of information relating to the other beneficiaries named in the resolution are being prepared for transmittal to you.

The resolution would grant the beneficiaries the status of permanent residents of the United States upon payment of the required visa fees, under such controls and conditions which the Attorney General may deem necessary to impose after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare. The resolution would also require that bonds be deposited to insure that the beneficiaries shall not become public charges.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EMILIENNE S. YETTER, ONE OF THE BENEFICIARIES NAMED IN HOUSE JOINT RESOLUTION 456

The beneficiary, whose maiden name was Emilienne Lanen, was born on January 9, 1924, in Paris, France. Her parents and one brother reside in Paris. She completed the equivalent of high school in her native country and was thereafter employed by the United States Army as a telephone operator. She was also employed by the French Army as a stenographer in France.

The beneficiary married James L. Yetter on April 18, 1953, in Paris, France. They have one child, Glenn W. Yetter, who was born on December 3, 1954, in France. He is a citizen of the United States. Another child, Patrick H. Lanen, was born to the beneficiary on June 18, 1948, in France and is a citizen of that country. He resides with his grandparents in France. The beneficiary's husband is not the father of this child although he does consider the child to be his by adoption as a result of his marriage to the beneficiary. The beneficiary resides with her husband and son, Glenn, at Fort Dix, N. J.

The beneficiary applied at the American consulate in Paris, France, for an immigrant visa in April 1954. As she was afflicted with tuberculosis at that time, she was found to be ineligible to receive an immigrant visa as well as inadmissible to the United States under section 212 (a) (6) of the Immigration and Nationality Act. The provisions of the foregoing section of law were subsequently waived on behalf of the beneficiary in order to permit her to enter the United States as a temporary visitor conditioned upon her posting a $1,000 medical-treatment bond. Following the grant of this waiver, the beneficiary was issued a nonimmigrant visa and admitted to the United States at Philadelphia, Pa., on February 14, 1955, as a visitor for medical treatment. She failed to comply with the conditions of her admission and deportation proceedings were instituted against her. Following the institution of such proceedings she was granted the privilege of voluntary departure with an alternative order of deportation in the event of her failure to depart voluntarily.

Following the beneficiary's admission into the United States she was examined by the United States Public Health Service at Phila-

delphia, Pa., on February 14, 1955, and on July 15, 1955. Those examinations revealed no active tuberculosis.

Private bill H. R. 7489 was introduced in the beneficiary's behalf in the 1st session of the 84th Congress.

The beneficiary's husband, James L. Yetter, is a citizen of the United States. He was born on February 13, 1927, at Stroudsburg, Pa. He has been a member of the United States Army since 1951 and served in France, where he met the beneficiary. He is presently a sergeant stationed at Fort Dix, N. J. His income is $295 per month. He has personal property valued at $1,000, and $200 in cash savings.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 3, 1955.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9442) for the relief of Viviane Lucienne Therese Felicie Renee Vennin Carter (Mrs. Billy Ray Carter), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Lubbock, Tex., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States notwithstanding the provisions of section 212 (a) (6) of the Immigration and Nationality Act which excludes from admission to the United States aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease provided she is found to be otherwise admissible. The bill further provides that a suitable and proper bond or undertaking approved by the Attorney General be deposited as prescribed by section 213 of the said act. The bill does not specifically limit the exemption to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VIVIANE LUCIENNE THERESE FELICIE RENEE VENNIN CARTER, BENEFICIARY OF H. R. 9442

The beneficiary, Mrs. Viviane Lucienne Therese Felicie Renee Vennin Carter, is a citizen of France and was born in Cambrai, (Department of Nord), France on August 28, 1931. She has never been in the United States and now resides at 24 Rue Bouchardon, Chaumont (Haute Marne), France.

The beneficiary was married to Billy Ray Carter, October 27, 1953, at Chaumont, France. Billy Ray Carter is a citizen of the United States and is a registered pharmacist. He is a staff sergeant in the United States Air Force and is now serving abroad. His total annual

income is $4,200. Information concerning the beneficiary was obtained principally through a certificate furnished by her husband.

The beneficiary was refused a visa in Paris, France, during May 1954 and available information shows that this refusal was because of health conditions; the beneficiary has had a record of tuberculosis. The father of the husband of the beneficiary understands that the beneficiary has no physical ailment at this time, but no further information concerning her record of tuberculosis has been developed by investigation in this country. If further information concerning the inadmissibility of the beneficiary is desired, the committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., February 16, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This refers to the private bill H. R. 4866 in behalf of Mrs. Billy Ray Carter (Viviane Lucienne Therese Felicie Renee Vennin). A report was previously furnished your committee on January 3, 1955, relative to H. R. 9442, a similar bill in the 83d Congress. She was also one of the beneficiaries of H. R. 6086, which was enacted into Private Law 242, approved on July 29, 1955.

Records of this Service disclose that the beneficiary was admitted to the United States on June 1, 1955, as a temporary visitor, her inadmissibility under section 212 (a) (6) of the Immigration and Nationality Act having been waived under the authority of section 212 (d) (3) of that act. She is presently residing with her husband at 3770 Townsend Drive, Fort Worth, Tex.

Sincerely,

J. M. SWING, *Commissioner.*

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 23, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration,
Committee on the Judiciary, House of Representatives,
Washington, D. C.

DEAR MR. CHAIRMAN: Please refer to previous correspondence we have had in regard to H. R. 4866, a bill which I introduced in behalf of Mrs. Billy Ray Carter. The bill would permit Mrs. Carter to enter the United States for permanent residence, notwithstanding certain provisions of the Immigration and Nationality Act. I also received correspondence from you indicating that another bill, H. R. 6086, would effect the same relief for Mrs. Carter, along with others in similar circumstances.

In the summer of last year, Mrs. Carter was admitted to this country on a medical visa. I am now told that the Immigration and Naturalization Service has given Mrs. Carter 90 days to effect her departure from the United States. In view of the time element, I

would like to respectfully request that the bill be scheduled for consideration at the earliest possible time. I also wanted to call attention to the fact that the bill would probably have to be amended to grant her permanent residence since she has been admitted temporarily for treatment.

Thank you very much.

Sincerely,

GEORGE MAHON.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 2, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6316) for the relief of Mrs. Tomye Kawase Macy and Charles Masaki Macy, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Kansas City, Mo., office of this Service, which has custody of those files.

The bill would grant the beneficiaries the status of permanent residence in the United States as of the date of its enactment upon payment of the required visa fee. The bill would also require that a bond be deposited to insure that Mrs. Tomye Kawase Macy shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE TOMYE KAWASE MACY AND CHARLES MASAKI MACY, BENEFICIARIES OF H. R. 6316

The beneficiaries, mother and son, are natives and citizens of Japan. Tomye Kawase Macy was born on January 2, 1925. Charles Masaki Macy was born on November 8, 1946. The adult beneficiary was married to Harold William Macy in Japan on June 6, 1951. Two children, now aged 2 and 3, have been born of this marriage. The family group presently resides at rural free delivery 3, Sedalia, Mo.

Mrs. Macy was formerly a seamstress. She completed elementary school in Japan. She has no assets. Her parents are deceased and a brother and two sisters reside in Japan.

Tomye Kawase Macy's only entry to the United States was as a visitor under bond at San Francisco, Calif., on January 2, 1953, at which time she was destined to Missouri State Hospital, Mount Vernon, Mo., to receive treatment for tuberculosis. She was granted extensions of stay to January 1, 1955. Charles Masaki Macy entered by fraud at Honolulu, T. H. on December 30, 1952, claiming that he was the son of Harold William Macy and a citizen of the United States. Deportation proceedings were instituted against the adult beneficiary on the ground that she failed to maintain her nonimmigrant status. Proceedings were instituted in the case of the minor beneficiary on the

ground that at the time of entry he was an immigrant not in possession of an immigrant visa. The special inquiry officer on June 30, 1955, granted them the privilege of departing voluntarily from the United States with tl e proviso that failure to depart would result in an order of deportation. The adult beneficiary's application for adjustment of status to that of a permanent resident was denied because of her tubercular condition. There appears to be no administrative relief available to the beneficiaries at this time.

The sponsor of the bill is the adult beneficiary's husband. He was bor ı at Steelville, Mo., on February 3, 1928, is a high-school graduate and has been in the United States Air Force since June 6, 1946. He is presently a staff sergeant and earns about $340 per month. He has indicated an intent to adopt the minor beneficiary.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 14, 1955.

Re H. R. 6316, for the relief of Mrs. Tomye Kawase Macy

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: On May 17, 1955, I introduced the above-named bill for the relief of Mrs. Tomye Kawase Macy, the wife of an American citizen, S. Sgt Harold W. Macy, and the mother of 3 children, 2 of whom were admitted to the United States as citizens on December 30, 1952, and the third of whom was born in this country.

Departmental investigation reveals that the oldest child, Charles Masaki Macy, born November 8, 1946, is an illegitimate child, the father being another American solider. Harold Macy did not arrive in Japan until June 4, 1947; he and Mrs. Macy were married in the office of the American consul in Fukuoka, Japan, on June 6, 1951, and on the same day, June 6, 1951, reported the birth of Charles Masaki Macy, on November 8, 1946, as their own child. The child was issued a passport on February 27, 1952, and, as previously stated, was admitted at Honolulu, Hawaii, as a United States citizen on December 30, 1952.

In view of the above circumstances, it would be deeply appreciated if your subcommittee could amend H. R. 6316 to include the granting of permanent residence to Charles Masaki Macy and so inform the appropriate immigration authorities.

Sincerely,

RICHARD BOLLING.

MISSOURI STATE SANATORIUM,
Mount Vernon, Mo., May 11, 1955.

Re Tomye Macy.

To Whom It May Concern:

The above-named was a patient in this hospital from January 6, 1953, to November 12, 1954. I knew her well as she required more social services than the average patient of our own nationality.

I consider Mrs. Macy a very desirable person for us to have in our country and I feel she will continue to make a good citizen. She possesses the qualities of honesty, integrity, and loyalty, which we admire in any individual. She learned quickly while a patient here

and she cooperated in a most excellent manner. She made friends easily and was most appreciative of her privileges and opportunities here.

Mrs. Macy's relationship with her husband's family is very desirable as they have apparently accepted her completely. Her mother-in-law seemed never to tire of caring for the children, including a tiny baby born at this hospital. They make a nice family group which we feel is an asset to any community.

I would recommend that Mrs. Macy be given an opportunity to become a citizen of our country.

Very truly yours,

By direction: Charles A. Brasher, M. D., superintendent:

VELMA CARL, *Social Service.*

MISSOURI STATE SANATORIUM,
Mount Vernon, Mo., May 11, 1955.

To Whom It May Concern:

I, (Mrs.) Elsie D. Smith, teacher III, Missouri State Sanatorium, instructed Mrs. Tomye Macy in conversational English and citizenship from August 14 until November 12, 1954, when she was discharged from the hospital.

During this period she completed books 1 and 2 entitled "Learning the English Language," which were written especially for adults. She read English very well. and with considerable understanding. It was difficult for her to converse; therefore, much time was spent in oral composition and conversation. She made fair progress. She was, also, instructed in citizenship, which included the meaning and importance of the Declaration of Independence and the United States Constitution. The pledge to the flag of the United States was given for memory work. The American institutions and our democratic way of life were discussed in which the right and duty to vote was emphasized as the greatest privilege of an American citizen. A standardized United States Constitution test was completed with help. She seemed to have fair understanding of our Government organization.

At all times her conduct was above reproach. In my opinion, she has completely accepted the American ways and is anxious to learn more and more. She said that she had no desire to return to her old home in Japan. For these reasons, I think she would make a good American citizen.

She was extremely interested in her husband and children and anxiously looked forward to the time when she could be with them. She was extremely proud that her husband was a part of the American Air Force. Her great desire was to learn English so that she could help her little son, who is in the third grade, with his homework. She was given a picture of the American Flag, which she said she would have framed, for his room.

She was very cooperative and apparently never attempted to overstep her freedom by infringing on the rights of others. She wanted very much to be accepted. She said that her mother was converted to Christianity. This religion was practiced in the home until her mother's death. She mentioned attending church with her mother-in-law and loved to sing. She was anxious to learn the church songs.

I enjoyed working with Mrs. Macy and only wish that she could have had a longer period for formal instruction. She appeared to be extremely grateful for the opportunity afforded in our department, and I am sure that was sincere.

Yours very truly,

ELSIE D. SMITH.

By direction: Charles A. Brasher, M. D., superintendent.

JUDGMENT FOR ADOPTION

In the Circuit Court of Crawford County, Mo., Juvenile Division
In the Matter of the Adoption of Charles Massaki

STATE OF MISSOURI,
County of Crawford, ss:

On August 3, 1955, Earl E. Roberts was appointed guardian ad litem for minor child, Charles Massaki, and he at that time filed his acceptance of appointment and answer. Petitioners and the guardian ad litem announce ready for trial, and the court after hearing the evidence adduced took said cause under advisement.

Now on this 5th day of October 1955, this cause coming on for further consideration, the report of the Division of Welfare of Crawford County, Mo., is filed and examined by the court.

The court, after giving further consideration to the evidence adduced at the hearing held on August 3, 1955, does now find that the petitioners herein are residents of Crawford County, Mo., and that the child sought to be adopted is also a resident of Crawford County, Mo.; and the court further finds that Charles Massaki is a male child having been born in the country of Japan, on November 8, 1946, and that his natural mother is Tomye Kawase Macy, one of the petitioners herein and that said child was born to the said Tomye Kawase Macy, out of wedlock, and prior to her marriage to petitioner, Harold William Macy, and that the natural mother of said child has joined in this petition.

The court further finds that said infant child has been in the actual and lawful custody of petitioner Harold William Macy jointly with his wife, Tomye Kawase Macy, since the 6th day of June 1951, and that the said Harold William Macy has completely supported and maintained said child since said date, and that as the head of the family, Harold William Macy has completely supported said child since the above stated date and has shared with said child's mother, all the duties incident to his care and training all of which has been with the consent and understanding of the said Tomye Kawase Macy, the mother of said child. The court further finds that the petitioners are able-bodied persons and mentally and physically sound and that they are persons of good reputation and ready, able, and willing to continue to maintain, support, and educate said infant child, and that it would be to the best welfare of said child for said child to be adopted by the petitioner, Harold William Macy.

Wherefore, it is ordered, adjudged and decreed by the court that the said Charles Massaki be and he is hereby adopted by Harold William Macy, but that Tomye Kawase Macy, the natural mother of

said child is to maintain her legal status as the mother of the said Charles Massaski, so that hereafter she and her said husband, Harold William Macy, will maintain and share the joint control as mother and father of said child by virtue of this decree of adoption; the name of Charles Massaki is hereby changed to Charles Massaki Macy.

STATE OF MISSOURI,
County of Crawford, ss:

I, Edwin W. Hardesty, clerk of the circuit court, in and for Crawford County, Mo., hereby certify the above and foregoing to be a true copy of the judgment rendered in the foregoing cause, as the same appears of record in book 1 at page 111 of the judgment records of Crawford County, Mo.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at office in Steelville, Mo., this the 10th day of October 1955.

[SEAL] EDWIN W. HARDESTY,
Circuit Clerk.
By BERNILL PERKINS,
Deputy Clerk.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 31, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6639) for the relief of Mrs. Darwin L. Selley, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Dallas, Tex., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. DARWIN L. SELLEY, BENEFICIARY OF H. R. 6639

The beneficiary, Mrs. Darwin L. Selley, also known as Anni Selley nee Puchta, a former citizen of Germany, now stateless, was born in Ebmath, Germany, on April 15, 1926. She was married in Germany to Darwin L. Selley, a citizen of the United States, on May 23, 1950. She has no children and is now residing at Amarillo, Tex., with her husband. Her father died in 1944, and her mother and a brother reside in Germany. She completed 1 year of high school, and was a member of the Hitler Youth Organization during the time she attended school.

Mrs. Selley was admitted temporarily to the United States at New York, N. Y., on July 7, 1952, for medical treatment and hospitalization under the ninth proviso of section 3 of the Immigration Act of 1917 for a period ending July 6, 1953. She received extensions of stay, the last of which expired on May 28, 1955. Since entry she has been treated for tuberculosis at various hospitals, and was permanently released from the Fitzsimons General Hospital, Denver, Colo., on April 22, 1955, as an inactive case. On July 1, 1955, a warrant of arrest in deportation proceedings was issued in her case on the ground that she failed to comply with the conditions of her admission to the United States as a nonimmigrant. No hearing has been accorded her on the warrant of arrest. Prior to her entry into the United States she was denied an immigrant visa by the American consul in Munich, Germany, on the ground she was afflicted with tuberculosis.

Sgt. Darwin L. Selley, the husband of the beneficiary, was born at Villisca, Iowa, on January 11, 1928. He completed high school. He served 15 months in the United States Navy and was honorably discharged during October 1946, with a service-connected disability. He has been a member of the United States Air Force since September 22, 1947, and is now stationed at Amarillo, Tex.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 16, 1955.

Re Mrs. Darwin L. Selley, H. R. 6639

Hon. EMANUEL CELLER,
Chairman, House Committee on the Judiciary,
House Office Building, Washington, D. C.

MY DEAR MR. CELLER: Heretofore, I have introduced H. R. 6639 for the relief of Mrs. Darwin L. Selley.

Pursuant to rule 5, I provide you with the following information: Mrs. Selley is the wife of Darwin L. Selley, an American citizen and an American soldier. She married the American citizen on May 23, 1950, in Germany, and entered the United States on July 7, 1952, as a visitor. She could not receive an entry permit because of tuberculosis.

She was born on April 15, 1926, in Edmath County, Vogtland, Germany.

Mrs. Selley is an outpatient at Fitzsimons General Hospital, Colorado, and enclosed is a report of her physical condition.

The husband is T. Sgt. Darwin L. Selley, 102 West Hastings Avenue, Amarillo, Tex., a member of the United States Air Force.

I would appreciate it if a request for a report could be made to the Department.

Sincerely,

BYRON G. ROGERS,
Member of Congress.

FITZSIMONS ARMY HOSPITAL,
Denver, Colo., April 22, 1955.

Re Anni (MMI), Selley, civilian dependent, USAF

To whom it may concern:

Circumstances of admission to hospital: This 29-year-old white female civilian dependent was admitted to Fitzsimons Army Hospital on April 9, 1953, for further observation and treatment of pulmonary

tuberculosis. She was sent to this hospital from George Air Force Base. The patient was first hospitalized for the present illness in Yeagersburg, Sanatorium, in Germany from August to December 1950.

History of present illness: The patient's first known positive X-ray of the chest was on November 28, 1949, being taken as part of a routine examination. This film showed a minimal lesion in the superior segment of the left lower lobe which was cavitary. This lesion was treated with pneumothorax collapse for 2 years, and since that time a small residual lesion has remained in the left lung. The patient first had symptoms in June 1950 consisting of a productive cough, these symptoms lasting only 2 months, and since that time she has had no pulmonary symptoms. In June 1951 the X-ray of the chest showed a new lesion in the right apex, this being a minimal lesion which has not changed appreciably in size since its onset. In November 1952 a small rarefied area appeared in the right upper lobe lesion, suggesting a cavity. In addition to the treatment described above, from August to December 1950 the patient received daily doses of TB1, the exact amount not known. The patient had a positive sputum in August 1950, since that time she has had very little sputum, and no definite positive sputum examinations since that time.

Past history: There is no family history of tuberculosis.

Physical examination on admission: Blood pressure 110/70, weight 115 pounds, temperature and pulse normal. A well-developed, well-nourished white female who appears healthy. The chest expands well bilaterally. Breath sounds are very slightly diminished at the left base otherwise there are no findings in the lungs. The heart shows a grade-2 systelis murmur at the apex and a similar murmur in the pulmonic area, otherwise shows no abnormalities. The abdomen is negative and the remainder of the general physical examination is within normal limits.

Laboratory findings: The hemogram and urinalysis were normal, the cardiolipin test was negative. Tuberculin skin test PPD No. 1 was 3-plus, the coceidioidin and histoplasmin skin tests were negative. All sputum cultures at Fitzsimons Army Hospital have been negative for acid-fast bacilli. On October 16, 1953, vital capacity was 2.5 liters or 78 percent of predicted. On November 16, 1953, vital capacity was 1.6 liters or 52 percent of predicted.

X-ray findings: X-ray dated November 28, 1949, shows diffuse nodular disease of the left hilum behind the fourth anterior rib. This area is about 2 by 2 centimeters in size. Otherwise the X-ray is within normal limits. X-ray of July 27, 1950, shows increase in the lesion previously noted with an area of cavitation now present. There is also scattered find nodular disease in an area 2 by 4 centimeters in size, medial of this lesion near the hilum. X-ray of June 21, 1951, reveals further increase in the nodular disease especially throughout the left lower rib. Pneumothorax is apparently present on the left side, although this is difficult to see. X-ray of December 14, 1951, shows a definite pneumothorax with about 50 percent collapse. No cavity can now be seen and the area previously described is small and compact. Fluid level is present in the left base obscuring the lateral portion of the diaphragm. X-ray dated August 9, 1952, shows continuation of the pneumothorax with marked adhesions at the left base. The area of radiodensity previously described is still present in the left midlung field. A lesion may now be seen behind

the sternocleidomastoid muscle on the right. Film of February 9, 1953, shows complete expansion of the pneumothorax on the left with a residual nodular density 1 by 2¼ centimeters in size on the left hilum. The lesion in the right apical area is now cavitary with a small cavity radiolucency about 3 millimeters in size. X-ray of April 10, 1953, shows no change from the previous examination. On both of these films it is noted that marked adhesions are present on the left diaphragmatic area. X-ray of October 20, 1953, preoperative, shows light shrinkage in the lesion in the right upper lobe, but no marked change. Final X-ray dated June 15, 1954, no lesion may now be seen in the right upper lobe although small platinum clips can be seen. Left base shows pleural thickening but is otherwise within normal limits. Lesion in the left midlung field has decreased in size but still may be seen and is 1 by 2 centimeters in area.

Special diagnostic procedures: On April 14, 1953, bronchoscopy was done which was normal. On April 29, 1953, pulmonary function studies were done which showed a MBC of 110 liters per minute or 111 percent of predicted. On May 28, 1953, spirometric studies were done which showed that the left lung contributed 33 percent of the ventilation and 40 percent of the oxygen uptake. Audiogram on July 14, 1954, vestibular studies showed normal vestibular function.

Course in the hospital: Patient received streptomycin, 1 gram every third day, from April 28, 1953, until discharge, along with 100 milligrams Isoniazid 3 times daily over the same period of time. On October 21, 1953, a partial lobestomy of the right upper lobe which was a segmental resection of the apical segment, was performed. On March 29, 1953, a right hydrosalpingectomy and appendectomy were also performed. The patient progressed well through her classes following surgery and was discharged with maximum hospital benefit on June 21, 1954. She was advised to continue chemotherapy until April 1955 in view of her long history of disease and residual changes in the left lung. The patient was presented before the Chest Surgical Review Board on March 2, 1954, and was accepted for resection of the superior segment of the left upper lobe along with decortication. However, patient feels that she did not desire further surgery at that time. She was advised of the serious prognosis in view of the fact that a marked residual was left in the left lung field. She was also advised to spend 6 months in class V, and 3 months each in classes VI and VII.

Discharge diagnoses:

1. Tuberculosis, pulmonary, moderately advanced, inactive 2 months, right upper lobe, left lower lobe.
2. Suspected urogenital tuberculosis (unconfirmed).
3. Hydrosalpinx, right.
4. Chronic, salpingitis, inactive.

Outpatient care since discharge from hospital: Since discharge the patient has been followed by the outpatient clinic of this hospital. Periodic chest films have been taken and they have shown no change, her lesion remaining stable. Drugs were discontinued in April 1955, giving her a total of 2 years of chemotherapy. The last gastrics were done on March 10, 1954, and were negative for acid-fast bacilli.

Impression: Disease inactive 10 months.

Recommendation: Suggest periodic chest examinations every 3 to 4 months during the next year.

RICHARD M. BURKE,
Lieutenant Colonel, Medical Corps,
Assistant Chief, Tuberculosis Section,
Department of Medicine.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 12, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7273) for the relief of Takako Burba, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Kansas City, Mo., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States as of the date of her last entry into the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

It appears that the beneficiary is eligible to nonquota status and, if otherwise qualified, able to obtain a nonquota immigrant visa. According to the records of this Service, the beneficiary is eligible for preexamination and she has been furnished appropriate forms to make such application.

It should be noted that the beneficiary paid the required visa fee when she procured a nonquota immigration visa on February 26, 1952. The committee may wish to amend the bill by deleting the portion of the bill which makes reference to that requirement.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE TAKAKO BURBA, BENEFICIARY OF H. R. 7273

The beneficiary, Takako Burba, a native and citizen of Japan, was born on January 23, 1925, She is married to T. J. Burba, a citizen of the United States. Three children, ages 1, 2, and 3 years, have been born of this marriage. The beneficiary resides with her husband and children at 1752 South Meridian, Wichita, Kans.

The beneficiary is not gainfully employed. She completed high school and 3 years of college in Japan. Her usual occupation is that of a seamstress. She has no assets. Her parents reside in Japan.

The beneficiary was paroled into the United States at Seattle, Wash., on April 10, 1952, after she applied for admission for permanent residence by presenting a nonquota immigrant visa. She was found to be excludable because of her affliction with active tuberculosis and was formally excluded by a board of special inquiry on April 17, 1952. On

May 20, 1952, an order admitting her as a visitor for medical treatment was entered. The Department of State waived the requirement of a visitor's visa. On January 21, 1955, the beneficiary submitted a motion to the Board of Immigration Appeals requesting a reopening of the exclusion hearing to enable her to make a showing that she was no longer afflicted with tuberculosis. This motion was denied on April 26, 1955, on the grounds that she should experience little difficulty in obtaining a visa because of her nonquota status and her present physical condition being such that she is no longer mandatorily inadmissible.

The beneficiary's husband attended elementary school for 7 years and served honorably in the United States Army for 6 years. He is presently employed as a fireman at a salary of $76.60 per week.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 18, 1956.

Re H. R. 7273, Takako Burba, 1758 South Meridan, Wichita, Kans.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration and Naturalization,
Judiciary Committee, House Office Building,
Washington, D. C.

DEAR MR. WALTER: This letter is written in further support of a bill I introduced on behalf of the above-named applicant for permanent admission to the United States. The bill was set aside by your committee on the grounds that relief could be granted if she were to go through the formality of traveling to Canada and securing a visa and then returning to the United States.

Briefly, the story of her case is this. She is the wife of a serviceman. According to the files concerning Mrs. Burba, she was excluded from entry by a port-of-entry employee on April 10, 1952, as one afflicted with pulmonary tuberculosis. Temporary admission was authorized. She was afterward pronounced as cured. I believe her status is that of one temporarily admitted to the United States. The question of her physical condition has been determined in her favor. She is the mother of three children.

We are informed by the immigration authorities that if she goes to Canada she can, in all probability, be readmitted to the United States. The difficulty with the process is that a trip to Canada from Wichita, Kans., is a rather expensive one, especially to a family already in debt because of hospital bills and other family obligations.

It may be possible your committee would believe that we are asking too much, but I hardly see why these folks should be required to go through the inconvenience and the expense of a trip to Canada when the net result would be just the same. If any good could be accomplished by sending this woman to Canada and back, I don't believe there would be objection.

At the request of Mr. Horace A. Black, rehabilitation representative, American Legion, State of Kansas, I am enclosing a statement indicating an unpaid doctor bill, also indicating other expenditures on the part of this family.

I think the most important part about it all is that Mrs. Burba is not in very good physical condition to make the trip. If she does try to make the trip, she will have to depend upon friends and neighbors to look after her three children while she is away.

We do not want to ask for anything that is out of the way. We do call attention, however, to the fact that Mrs. Burba is the wife of

a serviceman and the mother of three American-born shildren. If you feel that additional information is required, let us know.

Thanking you for any consideration you may be able to give this matter, I remain

Sincerely,

ED. H. REES.

OFFICE OF REHABILITATION REPRESENTATIVE,
KANSAS DEPARTMENT, THE AMERICAN LEGION,
VETERANS' ADMINISTRATION,
Wichita, December 30, 1955.

Re T. J. Burba, 1758 South Meridian, Wichita, Kans.

Congressman EDWARD H. REES,
Fourth District Kansas, Congress of the United States,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN REES: Please find attached the affidavits from the above-named veteran and his wife with additional statements from 2 doctors and 2 medical bills which have not been paid.

I sincerely hope that this evidence is sufficient so that Mrs. Burba will not have to leave the United States.

We sincerely appreciate your effort in this case and hope that a favorable decision is rendered.

In the event the information we have furnished is not sufficient, please advise.

Very truly yours,

HORACE O. BLACK.

AFFIDAVIT

WICHITA, KANS., *December 27, 1955.*

STATE OF KANSAS,
County of Sedgwick, ss:
To Whom It May Concern:

The United States Department of Justice, Immigration and Naturalization Service, has advised me that my wife will have to leave the United States, enter Canada and then reenter the United States. The letters from the Immigration Service have been very courteous, but they have missed the point I have tried to convey to them in the considerable correspondence we have had. They have implied that my wife would not have to remain in Canada very long, but just leave the United States and turn around and reenter. This would make a fine trip but I am wondering who is going to pay for it.

I work for the Boeing Aircraft Co. in Wichita with a net income of approximately $280 per month. I wonder if the members of the Immigration Service realize how much it cost for a family of five to live in Wichita. I have briefly listed a minimum of my monthly expenses below:

Rent and utilities, $51.50 per month.
Food cost average, $100 to $110 per month.
Health and life insurance, $15 per month.

I live approximately 10 miles from my place of work and gas and oil for my automobile costs approximately $20 per month. In addition to running up a repair bill for my old car, which I am still paying for,

it was necessary to buy a different automobile because the old one was costing so much in repairs I could not afford to keep it. The payments on my present car that I purchased are $86.29 per month. For your information, I purchased this car 6 months before I was ever notified that my wife would have to leave the United States.

Since we have 3 children it was necessary that we buy a washing machine and the payments are $10.79 per month. We do not have sufficient income to enjoy very much entertainment but we were able to purchase a TV set which is our only so-called luxury. The payments are $11.29 per month. Due to the cold weather it has been necessary to buy clothes (winter) for my 3 children and I have other clothes yet to buy and the total will run me approximately $40.

From August 17 to August 24, 1955, my wife was hospitalized in a Wichita hospital for a miscarriage. It was necessary for me to borrow $100 from a credit union in order to pay for 2 private nurses which the doctor stated that my wife needed. It was also necessary for me to hire a woman to take care of my three children while I was at work and my wife was in the hospital. I am attaching a bill showing what I owe the doctor and what I owe the hospital. These bills as of to date have not been paid due to the fact that I have not had enough money to make any payments to them. My wife has been very slow in recuperating from her period of hospitalization and I am attaching a statement from the doctor, who has been taking care of her, regarding his attitude of my wife taking such a long trip. As you will notice in the statement, my doctor is doubtful that she can make the trip and he does not recommend it.

Around the first of the year I will have a personal tax to pay of $41.29. In addition to the tax, the Immigration Service has continued to write me requesting that I furnish $10 for the statutory filing fee and that I submit $25 for the statutory fee for preexamination. As of to date, I am again writing them and advising them that I do not have the funds available for a cash payment such as they are requesting. I am financially unable to send my wife on the trip that the Immigration Department is requesting. I am barely making ends meet with my present income.

I do not know of any other way to explain other than the fact that I just do not have the money. If the Immigration Department has any suggestions as to taking care of a family of five and pay taxes on $280 a month and have enough money to take the type of trip that my wife is requested to take, I would be glad to hear from them.

I would like to make it clear that I am not nor is my wife refusing to go, it is the fact that we do not have any money whatsoever to take such a trip.

T. J. BURBA.

Subscribed and sworn to, before me, this 27th day of December 1955, by T. J. Burba at Wichita, Kans.

[SEAL] WALTER A. MORGAN,
Notary Public.

My commission expires December 10, 1959.

AFFIDAVIT

STATE OF KANSAS,
County of Sedgwick, ss:

WICHITA, KANS., *December 27, 1955.*

To Whom It May Concern:

I have been advised by the Immigration Bureau that I must leave the United States and reenter from Canada. I respectfully request that the following facts be reviewed and then consider how illogical and impossible it is for me to leave.

I have 3 children, ages 1, 2, and 3. We do not have enough money to go by plane or train and how could I travel that distance with such small children in a car. If we were able to leave the children in Wichita, we could not afford to pay a person to take care of the three children. We had a difficult time in locating anyone to take care of three small children while I was in the hospital. My husband cannot stay at home to take care of them as he has to work.

I manage our financial affairs the best I can. I am cautious in the expenditures of my household and yet my husband's pay just barely meets our requirements.

Since my miscarriage in August, I have regained my health very slowly and have been going to my doctor regularly. This also adds to many of our unpaid bills.

There is nothing else that I can add that would explain our situation any more clearly that to state that I am financially unable to travel such a distance by a car as you will note in the medical statement which we have attached and that we have no type of bonds or stocks in which to cash in order to have the cash necessary for the trip.

We sincerely appreciate your fullest consideration in this matter.

TAKAKO BURBA.

Subscribed and sworn to before me this 27th day of December 1955, by Takako Burba at Wichita, Kans.

[SEAL] WALTER A. MORGAN, *Notary Public.*

My commission expires December 10, 1959.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7627) for the relief of Mrs. Alice Halbrook, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ALICE HALBROOK, BENEFICIARY OF H. R. 7627

Mrs. Alice Halbrook, also known as Judy Halbrook, a native and citizen of Japan, was born on February 10, 1928. She married Charles Ross Halbrook, a United States citizen, on August 13, 1952, in Japan. They have one child, a United States citizen, born December 9, 1955. The family group resides at 2149 Benton Street, Granite City, Ill.

The beneficiary is unemployed and has no assets. She completed high school in Japan. Her parents and a brother reside in Japan.

Mrs. Halbrook entered the United States on June 12, 1954, at Honolulu, T. H., as a visitor for medical treatment for tuberculosis. She received extensions of stay to December 11, 1955. Deportation proceedings were instituted on November 28, 1955, on the ground that at the time of entry she was an immigrant not in possession of a valid immigrant visa. On January 20, 1956, the special inquiry officer found her deportable on the ground stated above, and ordered her deported from the United States. The beneficiary was a patient at the Madison County Tuberculosis Sanatorium at Edwardsville, Ill. At the time of her last examination on January 6, 1956, her condition was classified as "arrested, moderately advanced, pulmonary tuberculosis." The beneficiary is receiving medical treatment at her home, under the supervision of the sanatorium. She applied for an immigrant visa at the American consulate, Kobe, Japan, in October 1953. The American consul, however, denied the application because of her affliction with tuberculosis.

The beneficiary's husband, Charles Ross Halbrook, served honorably in the United States Marine Corps from November 10, 1950, to November 21, 1953, with service in Japan and Korea. He is employed, as a tester, by a steel company at a salary of $350 a month. The family assets consist of personal effects valued at $500.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 28, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8315) for the relief of Mrs. Maureen L. Filson, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Pittsburgh, Pa., office of this service, which has custody of that file.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee, under such controls and conditions which the Attorney General may deem necessary to impose after consultation with the Surgeon General of the United States Public Health Service, Department of Health,

Education, and Welfare. The bill would also require that a bond be deposited to insure that the beneficiary shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MENORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. MAUREEN L. FILSON, BENEFICIARY OF H. R. 8315

The beneficiary whose mainden name was Maureen Lavinia Donward, has also been known as Maureen Lavinia Eyres. She is a native and citizen of Great Britain, born on September 6, 1932, at Cheshire, England. She married Carl Filson, Jr., on October 20, 1953, at Isle of Man, England. The beneficiary completed high school in her native country and thereafter was a tailoress. Her parents reside in England. The beneficiary is presently a housewife and resides with her husband at 800 Seminary Street, Jersey Shore, Pa.

The beneficiary applied at the American consulate in Liverpool, England, on July 18, 1955, for an immigrant visa. As she was afflicted with tuberculosis at that time she was found to be ineligible to receive an immigrant visa as well as inadmissible to the United States under section 212 (a) (6) of the Immigration and Nationality Act. The provisions of the foregoing section of law were subsequently waived in the beneficiary's behalf in order to permit her to enter the United States as a temporary visitor. Following the grant of this waiver, she was issued a nonimmigrant visa and admitted to the United States at New York, N. Y., on October 13, 1955, as a visitor for medical treatment.

Upon the beneficiary's entry into the Uhited States, she was examined at the Pennsylvania State Tuberculosis Sanatorium, Cresson, Pa., and discharged. Since her discharge she has been examined every 3 months at the tuberculosis clinic in Williamsport, Pa.

The beneficiary has indicated an intention to remain permanently in the United States and is, therefore, residing in this country in an illegal status. However, deportation proceedings have not as yet been instituted against her.

The beneficiary's husband, Carl Filson, Jr., is a citizen of the United States. He served with the United States Army in England, where he met the beneficiary. He was discharged with the rating of sergeant on October 17, 1955. Mr. Filson is presently attending a technical training school in Williamsport, Pa., under the Veterans Benefits Act. His assets consist of cash savings in the amount of $3,500.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 11, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee of the
House Committee on the Judiciary,
House Office Building, Washington, D. C.

DEAR FRANCIS: This letter is to call your attention to H. R. 8315 for the relief of Mrs. Maureen L. Filson, wife of a former member of our Armed Forces, who was admitted to the United States from

England with her husband on a waiver issued by the Immigration and Naturalization Service so she could submit to treatment here in the United States for a tubercular condition.

Mrs. Filson was too late to be included in the omnibus bill last year and Chairman Emanuel Celler advised that a private bill be introduced in her behalf. This was done by the introduction of H. R. 8315.

I am advised by Chairman Celler that a departmental report has been received on this bill and that I should write you now and request that the bill be given consideration.

Mrs. Filson was examined at the Pennsylvania State Tuberculosis Sanatorium, Cresson, Pa., and discharged. Since her discharge, she has been examined every 3 months at the tuberculosis clinic in Williamsport, Pa.

The beneficiary of this legislation, Mrs. Maureen Filson, is the wife of Carl Filson, Jr., a citizen of the United States who met his wife while he was stationed with the United States Army in England. He is now attending a technical training school at Williamsport, Pa., under the GI law.

I shall appreciate your kindness in giving consideration to H. R. 8315 at your earliest convenience.

With every good wish, I am

Sincerely yours,

JAMES E. VAN ZANDT.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 16, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8442) for the relief of Mrs. Lucienne J. Seftel (nee Gachoud), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States, upon payment of the required visa fee, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. LUCIENNE J. SEFTEL (NEE GACHOUD), BENEFICIARY OF H. R. 8442

The beneficiary, Mrs. Lucienne Julia Seftel, nee Gachoud, is a native and citizen of Switzerland who was born on August 22, 1928. She was married to Daniel L. Seftel, a native-born United States

citizen, on October 17, 1955, in Geneva, Switzerland. Her husband, who is now a resident physician at Columbia Presbyterian Hospital in New York City, was then a medical student in Geneva, Switzerland. They reside at 3530 Rochambeau Avenue, Bronx, N. Y. Mrs. Seftel is a housewife and is supported by her husband. Her assets consist of $2,000 in a savings account and personal property valued at approximately $3,000. She has no close relatives in the United States other than her spouse. Her parents, two brothers, and a sister are citizens and residents of Switzerland.

The beneficiary stated that her application for an immigrant visa was denied by the American consul in Geneva, Switzerland, in October 1955, because she was inadmissible to the United States under the Immigration and Nationality Act due to her affliction with tuberculosis.

Mrs. Seftel arrived in the United States at New York, N. Y., on the *Queen Elizabeth* on December 8, 1955, at which time she was admitted to June 7, 1956, under a waiver of inadmissibility granted pursuant to section 212 (d) (3) of the Immigration and Nationality Act, for the purpose of obtaining medical treatment.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 17, 1956.

Re H. R. 8442, for the relief of Lucienne J. Seftel

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I enclose a copy of a bill I recently introduced for the relief of Mrs. Lucienne J. Seftel, of Switzerland, who is temporarily residing at Albany, N. Y., with her husband, Dr. Daniel M. Seftel, a natural-born American citizen.

I have had extensive correspondence with the Director of the Visa Office, Department of State, in this young woman's interest, and following her marriage to my constituent, permission was granted for her entry into the United States for a period of 6 months for treatment of tuberculosis.

Hers is a very mild case, and the consul general at Zurich, Switzerland, informed the Visa Office that she was qualified in every respect to receive an immigration visa except medically. He also indicated that he would view with keen approval any special legislation I might introduce in her behalf.

This is a most worthy case, and if you will kindly secure the necessary departmental reports, and schedule this measure for consideration, I will be grateful.

Sincerely yours,

LEO W. O'BRIEN.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 456), as amended, should be enacted.

○

Calendar No. 2328

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2304

CERTAIN ALIENS

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 616].

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 616) for the relief of certain aliens, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution, as amended, do pass.

AMENDMENTS

1. On page 1, strike out section 2.

2. On page 4, strike all of section 17, and insert in lieu thereof the following:

SEC. 16. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Gertraud Anna Giulio, shall be held and considered to be the natural-born alien child of Frank Joseph Horak, a citizen of the United States.

3. Renumber sections 3 through 22, inclusive, sections 2 through 21, inclusive.

4. On page 6, following line 2, add the following new sections:

SEC. 22. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Jose Boo Lopez, shall be held and considered to be the natural-born alien child of Patrick Louis Perry, a citizen of the United States.

SEC. 23. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Lim Gin Wey, shall be held and considered to be the natural-born alien child of Lim Nuey, a citizen of the United States.

SEC. 24. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child,

Shiu Ming Ma, shall be held and considered to be the natural-born alien child of Donald Herbert Deppe, a citizen of the United States.

SEC. 25. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Roland F. Petersen, shall be held and considered to be the natural-born alien child of Vernon L. Petersen, a citizen of the United States.

SEC. 26. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Lampros Lazaridis, shall be held and considered to be the natural-born alien child of Lazar and Bernice Christoff, citizens of the United States.

SEC. 27. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Paz Tupas Meeker shall be held and considered to be the minor natural-born alien child of C. A. Meeker, a citizen of the United States.

SEC. 28. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Luciana Papa Powell, shall be held and considered to be the natural-born alien child of James M. Powell and Camille Powell, citizens of the United States.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to grant nonquota or preference quota status to 16 children adopted or to be adopted by citizens of the United States or lawful resident aliens of the United States. The resolution also provides for the admission into the United States, as minor children, of 5 aliens who are the children or adopted children of citizens of the United States. The joint resolution has been amended to delete the name of one beneficiary, and to renumber the remaining sections accordingly. The resolution has also been amended to provide nonquota status rather than preference quota status to one child who is to be adopted by a citizen of the United States. The joint resolution has been further amended to include seven aliens who were the beneficiaries of similar individual Senate bills, as follows:

S. 2717	S. 3454
S. 2897	S. 3585
S. 2952	S. 3735
S. 2995	

STATEMENT OF FACTS

H. R. 4416.—The beneficiary is a 5-year-old native and citizen of Greece, who presently resides in that country. He is to be adopted by Mr. and Mrs. Sam P. Vournas, who are citizens of the United States. Mr. Vournas is the uncle of the beneficiary, and the natural parents have agreed to the adoption.

A letter, with attached memorandum, dated June 7, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 7, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4416) for the relief of Soterios Othon Nasiopoulos, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Miami, Fla., office of this Service which has custody of those files.

The bill would confer nonquota status upon the beneficiary pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act by providing that the beneficiary be held and considered to be the minor natural-born alien child of Mr. and Mrs. Sam P. Vournas, citizens of the United States.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SOTERIOS OTHON NASIOPOULOS, BENEFICIARY OF H. R. 4416

The beneficiary resides in Greece and has never been in the United States. Information concerning the beneficiary was furnished by his uncle, Mr. Samuel Vournas, a citizen of the United States residing in Lake Worth, Fla.

The beneficiary who is 4 years of age is the child of the sister of Mr. Vournas. It has been indicated that Mr. and Mrs. Vournas intend to legally adopt the child as their own and they are taking steps for such adoption in the circuit court of West Palm Beach, Fla. Mr. Vournas stated that his sister, the mother of the child, had suffered to a great extent during the occupation of Greece in the time of the Second World War and as a result she has been in poor health. It is for this reason that she was fully agreeable to the adoption of the child.

Mr. Vournas was born in Greece and was naturalized as a United States citizen in Newark, N. J., in 1926. He is the owner and general manager of the Atlas Roofing Co., in Lake Worth, Fla. The balance sheet of the company on December 31, 1954, reflected total assets of $443,328.59; total current liabilities of $24,800.18; with Samuel Vournas holding the capital stock in the company amounting to $418,528.41. The assets include cash in the amount of $125,362.75 and $12,000 in United States bonds.

Mr. and Mrs. Vournas enjoy a high reputation in the area in which they reside and are active in Greek church circles.

The Director of the Visa Office, Department of State, submitted the following report on the case dated June 22, 1955:

DEPARTMENT OF STATE,
Washington, June 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Soterios Othon Nasiopoulos, beneficiary of H. R. 4416, 84th Congress, 1st session.

A report recently received by the Department from the American Embassy at Athens, Greece, states that Mr. Nasiopolos has never made application for registration on the quota waiting list for a visa at the Embassy. Assurance forms under the Displaced Persons Act of 1948, as amended, were filed on his behalf in 1951. However, it was determined that he was not eligible for a visa under the provisions of that act. The reason for this decision was that the Attorney General had ruled that children living with both natural parents could not be considered as qualifying under the orphan section of the Displaced Persons Act of 1948, as amended, even though adopted.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mr. Nasiopoulos would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

H. R. 4713.—The beneficiary is a 12-year-old native of Italy and citizen of Germany, who presently resides in the latter country. Her mother was lawfully admitted to the United States for permanent residence on October 13, 1953.

A letter, with attached memorandum, dated June 3, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 3, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4713) for the relief of Caterina Lueder, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill is intended to confer a preference quota status upon the child beneficiary pursuant to sections 203 (a) (3) and 205 of the

Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a lawful resident of the United States.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CATERINA LUEDER, BENEFICIARY OF H. R. 4713

Information in this case was obtained from Guda Lueder, who is the sponsor and mother of the beneficiary.

The beneficiary, Caterina Lueder, is a minor child, born on December 8, 1943, in Rome, Italy. She is a German citizen and is presently resident at a girls' board school In Munich, Germany. She has never been in the United States.

Caterina Lueder is the illegitimate child of Rudolf Beren and Guda Lueder. Rudolf Beren was a German doctor, a member of the German Armed Forces, stationed in Italy during 1943. He was reported missing in action on the Russian front in 1944, and no further information has become available.

Guda Lueder is a native and citizen of Germany, born on September 18, 1918. She has never married. She was educated in Germany, and in 1941 went to Italy, where she became a gymnastics instructor at a private school in Milan. In 1943 and 1944 she served as a civilian interpreter to the German Army Medical Corps in Italy. After the birth of her daughter, she remained in Italy until 1949, where she worked in an American Red Cross club. She returned to Germany and worked for 2 years until 1953, for the United States Department of State Displaced Persons Commission in Munich, Germany, as a secretary.

Guda Lueder arrived in the United States on October 13, 1953, as an immigrant. She presently resides in Huntington, Long Island, N. Y. She is employed by Carr Business Machines, 8 New Street, Huntington, as a secretary-bookkeeper at a salary of $55 weekly. She has assets amounting to $650. She pays the cost of the beneficiary's maintenance in boarding school at the rate of $30 a month.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated June 22, 1955:

DEPARTMENT OF STATE,
Washington, June 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 16, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Caterina Lueder, beneficiary of H. R. 4713, 84th Congress, 1st session.

A report recently received from the American consulate general at Munich, Germany, indicates that according to information con-

tained in the duplicate copy of the visa issued to Miss Guda Lueder, the child was born in Rome, Italy. The report states, however, that the child is not registered for immigration.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Lueder would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Congressman Stuyvesant Wainwright, the author of the bill, submitted the following letters in support of the bill:

HUNTINGTON, N. Y., *December 4, 1954.*

Hon. STUYVESANT WAINWRIGHT,
House of Representatives,
Washington, D. C.:

I was born on September 18, 1918, in Hannover (Germany) as daughter of Dr. Gustav Lueder and his wife Hilde, born Amme. There I was grown up and went through the entirely school. After having lived 3 years in Berlin I went to Italy in 1941. Originally just for a trip but since I was offered there a very good job I arranged to stay. I worked in Milan for a member of family Ribi from Gorizia whose friendship and protection I enjoyed as long as I was in Italy.

Early in 1942 I met Rudolf Berens, 26 years old then, born in Koeln (Rheinland), medical doctor and lieutenant in the German Air Force. We became engaged with the intention to marry after the war. As his wife I could not have stayed in Italy. Relations to members of the German Army had to remain in Germany unless they were members of the army themselves and transferred by military order.

When I became pregnant early in 1943 we decided to get married as soon as possible. But at that time there were required many documents and informations for a marriage license and things became more complicated for us since we lived in a foreign country.

While we were inquiring about and preparing the best and quickest way R. Berens was transferred to Germany with the promise from some superior to get back to Italy. Instead he was sent to Russia. I received several letters from there but did not know exactly where he was located. He must have been transferred a few times because of the change of his military number. And according to his letters he received none of mine. After September 1943 I did not hear from him any more and could not obtain any information. He had no close relations alive.

Only after the war I was informed by the International Red Cross that he was dismissed and to be considered dead.

My daughter Katherina was born December 8, 1943, in Rome. I have taken care of her and supported her since then and it has never occurred to me that I should ever leave her. I took my first change to go back to Gorizia where I gladly excepted family Ribi's help to get the correct documents after the war to be able to work. I had then a job as secretary with the American Red Cross. At that time I could not have gone back to Germany unless through some refugee or maybe prisoner camp. So I waited until I could reply for a visa to reenter Germany and went back in 1949.

My mother had died shortly before my arrival and my father died shortly after.

I lived with my daughter in Munich until I emigrated. I wanted to come over with her, except it was too difficult for me to pay both trips at once and I thought it would be better to be alone for a few months to find a good job and to prepare for her arrival.

I was informed by a secretary at the American consulate while preparing my papers about the petition for close relations so as if it was just a matter of a very short time to have her come over as soon as I was settled. Trusting this information, I left her behind me in a boarding school in Munich, thinking this separation would be a matter of only a few months.

I arrived in United States in October 1952 and about 6 months later I mailed the petition for my daughter. Only then I found out that she was excluded under such a petition but I was given a chance for an appeal. My written appeal had been denied and I asked for an oral hearing in Washington. The conclusion was that there is no way to have my daughter (only 11 years old now) come under this petition and furthermore I went to the Visa Section to find out that the Italian quota for immigration is so small and there are no numbers available at all right now.

Dear Mr. Wainwright, I'll have to excuse myself for my bad writing, but I hope the information are sufficient. I hope you realize how horrifying this situation for us is. And I like to beg you to give us all your help so that this bill might pass.

Thank you so much in advance,

GUDA LUEDER.

P. S.: For about 5 months I am now working as secretary for Carr's Business Machines at 8 New Street, Huntington, N. Y.

FEBRUARY 14, 1952.

To: Henri Verstappen, senior officer.
From: L. E. Cornish, Chief of Security Section.
Subject: Frau Lueder, request for promotion.

Frau Lueder who was employed by the Commission in February 1951 as a clerk-interpreter was assigned to EGO section where her duties were of a simple clerical nature.

Since October 1951 she has been working in the Security Section where she is in charge of all incoming and outgoing mail, and keeping the section status and control file. In addition she acts as an interpreter and handles routine correspondence.

Inasmuch as Frau Lueder has performed all work in an efficient and conscientious manner; has willingly accepted responsbility, and has an excellent attendance record, it is requested she be granted a promotion.

L. E. CORNISH, *Security Section.*

UNITED STATES DISPLACED PERSONS COMMISSION,
AREA 6, APO 407, UNITED STATES ARMY,
Munich, Germany, April 30, 1952.

To Whom It May Concern:

Mrs. Guda Lueder has been employed by the United States Displaced Persons Commission, Munich, from February 26, 1951, and has been under the supervision of the undersigned from November 1951 until today.

During that time Mrs. Lueder has had responsible clerical duties by keeping records in Security Section which require exercising of own initiative and knowledge of some of the technical requirements of the law.

Mrs. Lueder has performed her duties in an efficient manner, is diligent and conscientious and gets along well with fellow employees.

The writer is pleased to recommend Mrs. Lueder for any position for which she is qualified inasmuch as the Commission is being liquidated.

L. E. CORNISH,
Chief Security Officer, Area 6.

H. R. 4874.—The beneficiary is a 13-year-old native and citizen of Italy, who presently resides in that country. His mother was married in Italy to Joseph A. Tymowicz, a United States citizen, on August 27, 1950, and was lawfully admitted to the United States for permanent residence on May 24, 1951. The beneficiary's stepfather plans to adopt him if he is permitted to enter this country.

A letter, with attached memorandum, dated December 23, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization, with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 23, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4874) for the relief of Andrea Failla, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass. office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the child would be chargeable to the quota of Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANDREA FAILLA, BENEFICIARY OF H. R. 4874

Information concerning the case was obtained from Mr. Joseph Andrew Tymowicz and Mrs. Carmela Tymowicz nee Failla, the mother of the beneficiary and her husband, who reside at 120 Suffolk Street, Lowell, Mass.

Andrea Failla, a native and citizen of Italy, was born on June 21, 1942, in Messina, Sicily. He has never been in the United States and is the son of Mrs. Joseph Tymowicz, born out of wedlock. It is alleged that the child's father was an Italian sailor whose name and whereabouts are unknown. He presently resides with his grandmother, Mrs. Paola Failla, at Palazzo E. No. 54, Villagio Aldiso, Mangialupi, Messina, Italy, and is attending school there. He is supported by his mother who sends an average of $25 per month to his grandmother. Other than his grandmother, he has 5 aunts and 3 Uncles living in Italy. His mother and her husband are his only near relatives in this country.

Carmela Tymowicz nee Failla, a native and citizen of Italy, war born on March 9, 1919, in Messina, Sicily. Her only marriage was to Joseph Andrew Tymowicz in Messina, Italy, on August 27, 1950. There are no children from her marriage and the beneficiary is her only child. Mrs. Tymowicz was lawfully admitted to the United States for permanent residence on May 24, 1951. She received 1 year of elementary schooling in Italy and is now attending Lowell Institute to learn English and how to become a United States citizen. She is an employee of Synthetic Yarns, Ind., 750 Suffolk Street, Lowell, Mass., as a winder, but is presently unemployed due to lack of orders.

Joseph Andrew Tymowicz is a native and citizen of the United States, born in Lowell, Mass., on August 29, 1920. His only marriage was to the beneficiary's mother. He first met his wife in February 1944, while serving in Italy in the United States Army. He first entered the United States Army on November 6, 1942, and was honorably discharged on January 22, 1949. Mr. Tymowicz is employed as a weaver by the United Elastic Co., Littleton, Mass., and his pay averages approximately $70 per week. He and his wife have assets of about $3,600, consisting of a 1949 Hudson automobile valued at $600, and household goods and personal possessions valued at $3,000. He has stated that it is his desire to bring the son of his wife to the United States and after the child enters this country, to adopt him. Mr. Tymowicz was arrested in Lowell, Mass., for being drunk on October 16, 1942, and was held overnight and permitted to go home the next morning.

Mr. and Mrs. Tymowicz are the persons who are primarily interested in the bill.

The Director of the Visa Office, Department of State, submitted the following report on the case dated October 11, 1955:

DEPARTMENT OF STATE,
Washington, October 11, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 15, 1955, and its enclosures, wherein you requested a report of the facts in the case of Master Andrea Failla, beneficiary of H. R. 4874, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated September 23, 1955, from the American consulate general at Palermo, Italy.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Master Failla would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH.
Director, Visa Office.

OPERATIONS MEMORANDUM

SEPTEMBER 23, 1955.

To: The Department of State.
From: American consulate general, Palermo, Italy.
Subject: Visas: Immigrant case of Andrea Failla.
Reference: Department's OMV No. 124 of September 16, 1955, received on September 20, 1955.

The files of the consulate general reflect the following record in the name of Andrea Failla, also known as Andrea Tymowicz.

Andrea Failla was born on June 21, 1942, at Messina, Italy, of Carmela Failla and of an unknown father. Carmela Failla married Joseph Tymowicz, an American citizen, on August 27, 1950, and entered the United States as a nonquota immigrant on May 24, 1951. It was not until January of 1952, when Mrs. Tymowicz verified her entry into the United States, to confer second preference status upon her son, that it was found that her son was an illegitimate child.

A birth certificate submitted for the child showed, however, that Joseph Tymowicz had recognized the child as his natural child which constituted legitimation in Italy. Action was therefore initiated to consider the child's possible claim to American citizenship. In the course of this investigation, however, it was learned that Joseph Tymowicz could not possibly be the blood father of Andrea Failla as he was not in Italy at the time the child was conceived. For this reason, it was held that the child had no claim to American citizenship.

In these circumstances Andrea Failla could only be classified as a nonpreference quota immigrant chargeable to the oversubscribed Italian quota. Both Mrs. Tymowicz and the child's guardian in Italy were informed of this fact and it was pointed out to them that a prerequisite to registering as a nonpreference immigrant is to obtain permission from the Italian Government to emigrate from Italy. Apparently, this permission was never granted, and therefore the child was never registered.

It may be mentioned that in March of this year Mrs. Tymowicz was informed by the consulate general that at such time as she becomes an American citizen she might confer fourth preference status as a quota immigrant upon her child. It was noted at that time that Mrs. Tymowicz had not yet attained American citizenship, although she entered the United States as the wife of an American citizen in May 1951.

H. R. 5236.—The beneficiary is a 14-year-old native and citizen of Yugoslavia, who presently resides in that country. She was adopted during the year 1952, through correspondence by Mr. and Mrs. Clarence J. Brenner, who are United States citizens. Mrs. Brenner is the beneficiary's aunt. The beneficiary's natural parents agreed to the adoption.

A letter, with attached memorandum, dated January 10, 1956, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 10, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5236) for the relief of Vilma Ramuscak, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Kansas City, Mo., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota of Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VILMA RAMUSCAK, BENEFICIARY OF H. R. 5236

Information concerning the case was obtained from Mr. and Mrs. Clarence J. Brenner, the adoptive parents of the beneficiary.

Vilma Ramuscak is a 13-year-old child, a native citizen and resident of Yugoslavia, who was born on January 2, 1942. She has never been in the United States. She was adopted in Yugoslavia during the year 1952 through correspondence by Mr. and Mrs. Clarence J. Brenner, the parties interested in her case. She is the older child of Nicola Ramuscak and Kata Ramuscak and resides with them at Hodinci 20 Vivodina, Yugoslavia. The beneficiary's parents in Yugoslavia agreed to the adoption and desire the daughter to come to the United States.

Mr. and Mrs. Clarence J. Brenner are United States citizens and reside in Kansas City, Kans. Both were born in Kansas City, Kans., Mr. Brenner on May 27, 1898, and Mrs. Brenner on December 5, 1908. They were married at Muncie, Kans., on June 24, 1949. Mr. Brenner was previously married at Kansas City, Kans., in the year 1926 and was divorced in the same city in 1938. Mrs. Brenner was never previously married. They have no children of their own. Mr. Brenner stated that he was employed by Armour & Co. from 1916 to 1946, at which time he retired, and that he has been employed as a salesman for a dairy company in Kansas City, Kans., since May 1953 at a salary of $300 per month. Mrs. Brenner has been employed by Armour & Co. for 25 years at a salary of $300 per month. The Brenners own a 5-room bungalow valued at $11,500 against which there is a $700 mortgage. Their further assets consist of an automobile in which they have an equity of approximately $1,000 and furnishings valued at $4,000. They do not have any cash or own stocks and bonds. They have regularly sent food and clothing to their adopted daughter, the value of which has been at least $400 in the past 2 years. They will pay her transportation to the United States.

The Congress took no action on private bill H. R. 5966, 83d Congress, 1st session, introduced in behalf of the beneficiary.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated October 20, 1955:

DEPARTMENT OF STATE,
Washington, October 20, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 25, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Vilma Ramuscak, beneficiary of H. R. 5236, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated October 6, 1955, from the American Embassy at Belgrade, Yugoslavia.

As the third preference category of the quota for Yugoslavia is heavily oversubscribed, no nonpreference numbers are being allotted for that country nor is it to be expected that numbers will be allotted at any time in the near future. Therefore Miss Ramuscak would undergo a considerable period of waiting before a number would be available for her use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Ramuscak would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

OCTOBER 6, 1955.

To: Department of State.
From: American Embassy, Belgrade, Yugoslavia.
Subject: Visas: Immigrant case of Vilma Ramuscak.
Reference: Department's OMV-70, September 28, 1955.

Subject alien is registered as of May 12, 1953, on the nonpreference waiting list of intending immigrants under the Yugoslav quota. From the completed registration form it appears that the applicant was born at Hodinci, Croatia, Yugoslavia, on January 21, 1942, that she is a student at primary school and wishes to join her aunt, Mrs. Barbara Brenner in the United States, because there are many children in her family and the family is poor. The file shows that her parents have given consent for Miss Ramuscak to emigrate to the United States.

H. R. 5933.—The beneficiary is an 11-year-old native and citizen of Yugoslavia, who presently resides in that country. She is to be adopted by Mr. and Mrs. Grga Morovich, who are citizens of the United States, and who are the aunt and uncle of the beneficiary. The beneficiary's natural father is deceased, and her mother has given permission for her daughter to be adopted.

A letter, with attached memorandum, dated July 8, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 8, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5933) for the relief of Estera Morovic, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immi-

gration and Naturalization Service files, concerning the beneficiary, by the New York, N. Y., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the beneficiary by providing that for the purpose of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child shall be held and considered to be the natural-born alien child of Elizabeth and Grga Morovich, citizens of the United States.

As a quota immigrant, the beneficiary would be chargeable to the quota of Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ESTERA MOROVIC, BENEFICIARY OF H. R. 5933

Information in this case was furnished by Elizabeth and Grga Morovich, the aunt and uncle of the beneficiary. They are citizens of the United States, who reside at 1452 Second Avenue, New York City.

The beneficiary, Estera Morovic, was born on July 17, 1944, in Kukljica, Province of Dalmatia, Yugoslavia. She resides with her widowed mother and brother in her native village. They are all citizens of Yugoslavia. The beneficiary is a student at the local elementary school and has never been in the United States.

Mr. Morovich is employed as a longshoreman by T. Hogan & Sons, Inc., 531 West 19th Street, New York City. He earns an average weekly salary of $60. Mrs. Morovich is employed as a general factory worker by the Purepac Corp., 511 East 75th Street, New York City, and earns $37 a week. Their combined assets consist of savings bank accounts in the amount of $27,173 and personal effects estimated at $1,500. They have been contributing regularly to the support of the beneficiary's family. It is their intention to formally adopt the child after her arrival in the United States.

The Director of the Visa Office, Department of State, submitted the following report on the case dated July 28, 1955:

DEPARTMENT OF STATE,
Washington, July 28, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 24, 1955, and its enclosures, wherein you requested a report of the facts in the case of Estera Morovic, beneficiary of H. R. 5933, 84th Congress, 1st session.

There is enclosed a copy of a self-explanatory communication (in duplicate), dated June 27, 1955, from the American Embassy at Belgrade, Yugoslavia.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Morovic would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH, *Director, Visa Office.*

OPERATIONS MEMORANDUM

JUNE 27, 1955.

To: Department of State.
From: American Embassy, Belgrade, Yugoslavia.
Subject: Visas: Case of Estera Morovic.
Re Department's OMV-226, June 14, 1955.

The subject alien was born on July 17, 1944, at Kukljica, Yugoslavia. She is registered on the nonpreference waiting list of intending immigrants under the Yugoslav quota as of October 4, 1952. Although there are no documents in the alien's file, correspondence between the Embassy and the child's aunt, Mrs. Elizabeth Morovich, indicates that Estera's father is dead and she lives with her mother. There is nothing in the file to indicate what the circumstances of the child's life are or whether there are any special humanitarian reasons for expediting the issuance of a visa to her.

Congressman James J. Delaney, the author of the bill, submitted the following affidavit in support of the bill:

AFFIDAVIT

STATE OF NEW YORK,
City of New York, County of New York, ss:

Grgo Morovich and Elizabeth Morovich, nee Vlasak, being duly and severally sworn, depose and say:

That they reside at 1452 Second Avenue, in the Borough of Manhattan, city, county, and State of New York.

That they are husband and wife, respectively, having been married on September 20, 1947, in the city of New York and are citizens of the United States by naturalization.

That said Grgo Morovich has also been known under the name of Dragutin Morovich and that said Elizabeth Morovich, nee Vlasak, has also been known under the name of Elizabeth Kasparek.

That no child or children were born of their marriage.

That your deponent, Grgo Morovich had a brother, Ivan Morovic, who died during the year 1945 as a result of injuries sustained in World War II.

That his said brother, Ivan Morovic was married to Milka Morovic and as a result of their marriage a child named Estera Morovic was born on July 9, 1944.

That said child now lives with her mother, Milka Morovic, in Kukljica, Zadar, Dalmatia, Yugoslavia.

That said Milka Morovic is not in the best of health and has very meager means of supporting and maintaining said Estera Morovic, her daughter.

That said Estera Morovic's mother has requested both of your deponents to take all steps necessary in order to have her daughter come to the United States for permanent residence and to be adopted by them as their natural daughter.

That your deponents are willing to adopt said Estera Morovic, the minor child of the late Ivan Morovic and Milka Morovic, as their own natural child.

That they herewith guarantee and warrant that they will not permit said Estera Morovic to become a public charge if she is permitted to come to the United States for permanent residence.

That upon the arrival of said child, Estera Morovic, in the United States they will provide her with proper care and maintenance, both moral and financial, and will initiate legal action to adopt her as their own child and will take care of her as though she was their own daughter.

That your deponents will reimburse any and all city, State, and/or Federal authorities for any and all help or assistance that may be rendered to said Estera Morovic upon her legal entry for permanent residence into the United States.

That this affidavit is executed by your deponents in order that said child, Estera Morovic, may be permitted to enter the United States for adoption by your deponents.

GRGO MOROVICH.
ELIZABETH MOROVICH.

Sworn to before me this 19th day of April 1955.

[SEAL] ANTON G. SINTICH,
Notary Public, State of New York.

Term expires March 30, 1957.

H. R. 6003.—The beneficiary is a 27-year-old native and citizen of the Philippine Islands, who presently resides in that country. On February 27, 1936, the beneficiary was adopted by Mr. and Mrs. Bedford B. Hunter. Mr. Hunter is a citizen of the United States, and Mrs. Hunter was a native and citizen of the Philippines and is now deceased. The beneficiary has been educated under the supervision of, and at the expense of, his adoptive father. In 1940, the beneficiary's adoptive father was making arrangements for his admission into the United States, but before the visa could be issued, war broke out. In 1948, when it appeared that a quota number might be available for the beneficiary, it was discovered that he was suffering from tuberculosis. In May 1950, when the beneficiary was medically qualified, a quota number was not available.

A letter, with attached memorandum, dated January 4, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives, from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4528) for the

relief of Robert Jose Hunter, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would hold and consider the registration of the beneficiary at the United States consulate in Manila, Philippine Islands, for an immigration visa as a quota immigrant under the Philippine quota, reinstated as of October 17, 1945.

Sincerely,

ARGYLE R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROBERT JOSE HUNTER BENEFICIARY OF H. R. 4528

The information concerning the beneficiary was furnished by Bedford Brown Hunter, his sponsor, who also is his adoptive father.

Robert Jose Hunter is a native and citizen of the Republic of the Philippines, born on June 6, 1928. He is single and has never been in the United States.

Bedford Brown Hunter is a native and citizen of the United States, born September 18, 1872. He was in the United States Army from 1893 to 1896 and again in 1898. Apparently he formerly made his home in the Philippine Islands. His wife, a native and citizen of the Philippine Islands, died there in 1946. The couple had no children of their own and adopted the beneficiary through courts in Manila on February 27, 1936.

The beneficiary has been educated under the supervision of, and at the expense of, his adoptive father. He attended a private school, to train for the naval service of the Philippines, and later studied for 2 years in preparation for the law at Manuel Quezon University, Manila.

It appears that the beneficiary applied for an immigration visa to come to the United States some years ago but his application was denied because he was afflicted with tuberculosis. He responded to treatment and that malady is now apparently arrested.

He has been employed as a clerk and as a night watchman in the Philippines. Until this year, the sponsor has been sending the beneficiary about $25 monthly for his support, and he already has furnished him the amount of his passage to the United States. He intends to support the beneficiary until he completes his education.

The sponsor has an income of $150 monthly from a veteran's pension and social security, and $50 more from income property. He owns 2 houses worth about $15,000.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated May 31, 1955:

MAY 31, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 7, 1955, and its enclosures, wherein you requested a report of the facts in the case of Robert Jose Hunter y Montilla, beneficiary of H. R. 6003, 84th Congress, 1st session.

A report received by the Department from the American Embassy at Manila states that Mr. Hunter registered as an intending immigrant under the nonpreference category of the Philippine quota on October 17, 1945. On May 5, 1948, the Embassy informed him that the status of the quota was such that a quota number might become available for his use and he was instructed regarding the documents he should present for a preliminary examination of his case. He was also advised to undergo the required medical examination. Unfortunately the medical examination revealed that he was suffering from pulmonary tuberculosis which rendered him inadmissible into the United States and ineligible to receive an immigrant visa.

The records of the Embassy also show that Mr. Hunter's condition improved and that a medical statement dated May 26, 1950, indicated that as of that date he could be passed medically. However, it has not been possible for the Embassy to take further action on his application for an immigrant visa because of the heavily oversubscribed condition of the Philippine quota. In recent years numbers under that quota have been available only for applicants entitled to statutory preference status. It is therefore anticipated that Mr. Hunter would undergo a considerable period of waiting before a number could be allotted for his use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mr. Hunter would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Congressman Glenard P. Lipscomb, the author of the bill, submitted the following letter and affidavit in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 5, 1955.

Hon. EMANUEL CELLER,
Chairman, Judiciary Committee,
House of Representaties, Washington, D. C.

MY DEAR MR. CELLER: I am writing with reference to H. R. 6003, a private bill I introduced on May 3, 1955, for the relief of Mr. Robert Jose Hunter y Montilla, residing at 35 P Roman, Sta. Ana, Manila, Luzon, Philippine Islands; adopted son of Mr. Bedford B. Hunter, 1169 North Virgil Avenue, Los Angeles, Calif.

Robert Jose Hunter is a native and citizen of the Republic of the Philippines, born on June 5, 1928. He is single and has never been in the United States. He was adopted through courts in Manila on

February 27, 1936. He was taken by Mr. and Mrs. Hunter (nee Paz Montilla) when less than a month old but not legally adopted until he was about 7 years old.

Mr. and Mrs. Hunter went to the United States in 1940, leaving Robert in school in the Philippines. That it was their intention to bring Robert to the United States is evident from a personal telegram of March 29, 1940, from Mr. Hunter to the brother-in-law which refers to papers Robert will need for immigration. Apparently before he could be visaed war broke out.

Robert was registered under the nonpreference portion of the Philippine immigration quota as of October 17, 1945. In 1948, when it was believed that a quota number might soon be available for him, he was advised to submit the required documents. Unfortunately, his medical examination showed that he was suffering from pulmonary tuberculosis and, accordingly, he was informed on December 3, 1948, that he was not qualified medically to be issued a visa. A subsequent medical examination in May 1950 showed that his condition had changed and it was possible that he was medically qualified. However, by that time the quota situation had changed and it was not possible to obtain a quota number for him.

Mr. Bedford Brown Hunter, the sponsor and adoptive father, is a native and citizen of the United States, born September 18, 1872, at Junction City, Kans. He was in the United States Army from 1893 to 1896 and again in 1898. Apparently he formerly made his home in the Philippine Islands. His wife, a native and citizen of the Philippine Islands died there in 1946. The couple had no children of their own and adopted the beneficiary through courts in Manila on February 27, 1936.

The beneficiary has been educated under the supervision of, and at the expense of, his adoptive father. He attended a private school, to train for the naval service of the Philippines, and later studied for 2 years in preparation for the law at Manuel Quezon University, Manila.

The sponsor and adoptive father, Mr. Bedford B. Hunter, has an income of $150 monthly from a veterans' pension and social security, and $50 more from income property. He owns 2 houses worth about $15,000.

I would appreciate it if you would request a report from the Department of Justice.

Sincerely,

GLENARD P. LIPSCOMB,
Member of Congress.

AFFIDAVIT OF SUPPORT

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Bedford B. Hunter, after being duly sworn, deposes and says:

That he is 80 years of age, born on September 18, 1872, at Junction City, Kans.; widower; Spanish-American War veteran; retired teacher, insular government of Philippine Islands. Receives a pension of $96 per month and social security, $56.

That he is the owner of property (1) a 6-room bungalow valued at about $10,000, and located at 374 Vienna Street, San Francisco,

(2) and has closed a deal for a small bungalow located in Hollywood, 1168 Virgil Avenue and valued at $7,000.

That he has a banking account with the Bank of America, Excelsior branch.

That he is in fair health and physical condition and is at present engaged in hobbies: Painting, papier mache, and plastic art and songwriting.

That he has no one depending upon him for support other than his foster son, Robert Jose Hunter, for whom this affidavit is being made.

That he is prepared and willing to support said son, Robert, through school and to see that he will not become a public charge.

BEDFORD B. HUNTER.

Subscribed and sworn before me this 8th day of May, 1953.

NAN G. SCULLEY, *Notary Public.*

My commission expires July 9, 1953.

H. R. 6134.—The beneficiary is a 24-year-old native of the British West Indies, and subject of Great Britain, who presently resides in Jamaica, British West Indies. Her mother is a lawful permanent resident of the United States, and her father is a citizen of the United States. In addition, her brother and sister are citizens of the United States. Inasmuch as she has reached her majority, she is unable to qualify for a nonquota visa as the minor child of a citizen of the United States.

A letter, with attached memorandum, dated July 27, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization, with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6134) for the relief of Dora Claire Lynch, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would provide that, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the beneficiary shall be held and considered to be the minor alien child of Jasper Ferguson Lynch, a citizen of the United States, thus making her eligible to nonquota status.

As a quota immigrant, the beneficiary would be chargeable to the quota for Jamaica, a subquota of Great Britain.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DORA CLAIRE LYNCH, BENEFICIARY OF H. R. 6134

Information concerning the beneficiary was furnished by the sponsor, her father, Jasper Ferguson Lynch, a naturalized citizen of the United States, who resides at 148 Hancock Street, Brooklyn, N. Y., with his wife, Imogene Lynch, a legal resident alien and the mother of the beneficiary.

The beneficiary, a citizen of Great Britain, was born on May 25, 1931, at Kingston, Jamaica, British West Indies, and has resided there since birth. She lives with an aunt, receives financial support from her father, and has no financial assets other than personal effects of small value. She received 12 years of elementary and secondary schooling in Jamaica. Other than her parents, her only close relatives are a brother and sister who are native-born United States citizens and residents of Brooklyn, N. Y. The beneficiary has never entered the United States.

The sponsor is employed as a clerk at the United States Post Office, Morningside Station, 232 West 116th Street, New York, N. Y., at an annual salary of $4,170. His financial assets consist of $600 in cash savings and personal effects valued at $1,000.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated August 4, 1955:

DEPARTMENT OF STATE,
Washington, August 4, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 19, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Dora Claire Lynch, beneficiary of H. R. 6134, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated June 20, 1955, from the American consulate general at Kingston, Jamaica.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Lynch would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

JUNE 20, 1955.

To: Department of State.
From: Amcongen, Kingston, Jamaica.
Subject: Visas, immigrant case of Dora Claire Lynch.
Reference: Department's OMV No. 202 of June 1, 1955.

The Department has requested a detailed report on the facts in the visa application of Miss Dora Claire Lynch. Miss Lynch is the subject of H. R. 6134.

The alien was requested to come to the consulate general, and in an interview with a consular officer on June 13, 1955, supplied the information shown below.

Miss Lynch was born in Kingston, Jamaica, on May 25, 1931, as the legitimate child of Jasper Ferguson Lynch, now a United States citizen, and Imogene Maud Lynch, now in the United States as a resident alien. The subject alien's father, Jasper Lynch, was born in British Guiana, entered the United States on June 3, 1924, and was naturalized on August 15, 1935. Miss Lynch's mother was born in Jamaica in 1896, was in the United States in 1920–31, 1952–53, and obtained a nonquota immigrant visa from this office on December 3, 1953, as the spouse of a United States citizen and beneficiary of visa petition VP3–27956.

A second petition, VP3–27955, was filed on the same date, June 19, 1953, which approved fourth preference quota status for Miss Dora Lynch as the daughter of a United States citizen.

The parents of Miss Lynch were married in the United States on December 23, 1926. Miss Lynch stated that her mother returned to Jamaica in 1931 because of the illness of Miss Lynch's maternal grandfather, thus occasioning the subject alien's birth in Jamaica.

Miss Lynch stated that she remained in Jamaica to attend school; when her schooling was finished there was insufficient money to bring her to the United States. She is now living in Kingston in the home of an aunt. She is employed as a steno-typist by a local accounting firm. She receives some small additional support from her father in the United States.

Miss Lynch has 1 brother and 1 sister, both living in the United States.

H. R. 6135.—The beneficiary is a 3-year-old native and citizen of Japan, who presently resides in that country. He was adopted in Japan on March 5, 1955, by Helena G. Branch, a United States citizen, who has been employed by the Army in Japan for the past 4 years.

A letter, with attached memorandum, dated December 22, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6135) for the relief of Jude Anthony Branch (Koji Aoyagi), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of Helena G. Branch, a citizen of the United States.

As a quota immigrant the child would be chargeable to the quota of Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JUDE ANTHONY BRANCH (KOJI AOYAGI), BENEFICIARY OF H. R. 6135

Information concerning this case was obtained from the beneficiary's adoptive mother, Helena G. Branch.

The beneficiary is a 2-year-old child, a native and citizen of Japan. He was born on June 20, 1953, in Yokohama, Japan. His natural parents are unknown. He has never been in the United States and resides with his adoptive mother at 1410 Hase, Kamakura, Japan.

The beneficiary's adoptive mother, Helena G. Branch, is a citizen of the United States. She was born in Washington, D. C., on May 24, 1924. She is presently employed as a clerk-stenographer by the United States Army in Japan. Her salary is $3,840 per annum. Her assets are valued at $3,100. Although Mrs. Branch was married on August 20, 1941, this marriage was terminated by divorce in December of 1949. No children were born of this marriage. Mrs. Branch states that she legally adopted the beneficiary on March 5, 1955, at the Yokohama Court of Justice, Yokohama, Japan.

Congressman Adam C. Powell, Jr., the author of the bill, submitted the following letter and statements in support of the bill:

APRIL 13, 1955.

Hon. ADAM C. POWELL, Jr.,
House of Representatives, Washington, D. C.

DEAR SIR: After discussing my problem with one of your church members, Mr. Leonard Barber, he suggested that you would be the best person to assist me.

I am a Department of the Army civilian. On December 7, 1955, I will have been working for the Army in Japan for 4 years. My present position is a clerk-stenographer and my present income is $3,430 per year. Prior to coming to Japan, I worked for the Government in Washington, D. C., for a period of 6 years, and have had a permanent civil-service status since 1946.

About March 10, 1955, I adopted a 20-month-old boy (American name is Jude Anthony Branch) who was born of mixed parentage in Japan. I am enclosing certified copies of the order of the Japanese court, plus other documents pertaining to the adoption of this baby. The child was duly registered according to the laws of Japan. This child, who was left to die on a Yokohama beach, has no known parents and was placed in Our Lady of Lourdes Baby Home, Yokohama,

Japan, about 19 months ago. It shall probably never be known just how long this child was exposed to the elements, but after hearing all the details of this incredible story, my heart began to bleed for this victim of circumstances and many unfortunate brown babies like him. I could visualize his almost lifeless body lying on the cold sands as if it were a mere rock, but the only distinguishing factor was that this tiny figure had a minute spark of life remaining. However, after having him thoroughly examined by the Army medical doctors, I can proudly report that he is a very healthy baby, even though he had a cruel beginning.

I feel that I am financially able to support my adopted son with my present income, plus the savings that I have accumulated since I have been working. I also intend to provide a good education for the child. In the event something should happen to me, my family will take full responsibility in rearing my son, so that he shall never be a burden on the taxpayers. I can readily furnish character reference, if necessary. In working for the Government, security clearances have been required in many instances. In this connection, my background has been thoroughly investigated and I am sure that had anything been amiss I would not have been granted these clearances. In granting these clearances, the military (Army) not only checks into the individual's background, but a thorough check is made of police files, friends, neighbors, and credit references.

Perhaps a brief story of how I came to know this child may help you understand why I decide to adopt him. One day during the summer of 1954, several of my friends and I decided to visit the Lourdes Orphanage. As we entered the home, we were greeted by many little children calling out in excited voices, "Mama, Mama." Just to stand there looking at those unwanted orphans, who are all starved of love and affection, brought tears of untold sorrow to my eyes. Seeing this, I decided to take some of them out on weekends to enrich their lives with some of the love and happiness that is certainly due to them. It was quite a thrill to these children just to go for a bus ride, or to a restaurant for ice cream; and indeed, this pleasure even permeated my life.

As time went on, my attention was attracted toward this little boy who was at that time about 12 months old. Ever time I would visit the home, he would watch me constantly, so that I soon came to love him as my very own. Every week I would bring him home to spend the entire weekend with me. After many months of giving him individual attention, he knew me as his mother and loved me very much. Now, if I fail to take him out, he will cry and look at me with a betrayed expression as if to say, "Why are you leaving me here?" I talked with the Catholic Sisters at the home and they assured me that my chances of adopting this child might be favorable. I filled out adoption papers and presented them to the Yokohama Japanese Welfare Association. The ordeal that I encountered was very discouraging at first, but I was determined not to give up, even though countless times I felt defeated. But one day, to my surprise, it was agreed that they would release him. The case was then presented to higher authority and after many months of waiting for the final decision, I was awarded the child in March 1955.

Because of the fact that I am not married I was advised by the American consul that I could not obtain a nonquota status under Public Law 203 of the 83d Congress. My desire is to bring my child into the United States for permanent residence. I have found out (through the Army) that it might be possible for a private bill to be admitted to Congress which would permit me to bring my child into the United States.

As I am a native of Washington, D. C., I do not have representation in Congress; therefore, I am addressing this appeal to you. I am scheduled for return to the United States by August 1955, but I do not want to leave Japan without my son.

Would you be willing to act for me and take steps to initiate this action or any other waiver of the provisions of existing law that would enable me to bring my child into the United States?

I thank you for your kind attention and will certainly be grateful for anything you can do on my behalf.

If I have not given you enough pertinent information, please contact me at any time as I am most anxious to do what I can to obtain entry for my son into the United States.

Sincerely yours,

HELENA G. BRANCH,
ID No. C-8-799 Japan Ordnance Command, APO 503, San Francisco, Calif.

JUDGMENT

Case symbol: 1955, No. 5,800, adoption.

Legal address: No. 5415 Northeast Avenue, Washington, D. C., United States of America.

Present address: Korea Courts Billet Office, room No. 8–4, 1-chome, Choja-machi, Naka-ku, Yokohama.

Applicant, Helena G. Branch.

Legal address: No. 1195, Shinshuku, Hiratsuka, Hiratsuka City, Kanagawa Pref.

Present address: No. 68, Yamate-cho, Naka-ku, Yokohama.

The person in this case: Koji Aoyagi (date of birth: June 20, 1953).

* * * * * * *

THE TEXT AND REASON

As a result of investigation the court of justice will approve this adoption, for this person will adopt of applicant. This adoption thinking profitable for his future, and according to this applicant's Nation's law (Washington, United States of America) they cannot find any adoption obstacle about this applicant.

March 1, 1955.

YOKOHAMA HOME COURT OF JUSTICE,
Domestic Judge.

The above is transcript.

MARCH 5, 1955.

(Signed) SEIZABURO SEKEGUCHI,
Clerk of the Court,
Yokohama Home Court of Justice.

THE COPY OF THE CENSUS REGISTER

Permanent domicile: No. 1195, Shinshuku, Hiratsuka, Hiratsuka City, Kanagawa Pref.
Name: Koji Aoyagi.

This census register is made up by the investigation note of the mayor of Hiratsuka on October 30, 1953.

This child was born on June 20, 1953, and is stated by the investigation note of the mayor of Hiratsuka on October 30, 1953.

There is no claimant of parents; it began sponsorship on October 31, 1953.

The sponsor, Miss Yoshi Uchida, same census register as Mr. Tojiro Uchida, No. 813, Katakasu-Ohaza, Fukuoka City, was notified for her employment on February 3, 1955, and received March 8, 1955.

The adoption which it becomes adopted son of Miss Helena G. Branch, the nationality is United States of America, is notified by the sponsor, Miss Yoshi Uchida who consented the adoptive mother and adoption, and received on March 8, 1955.

Adoptive mother: Helena G. Branch.

Male. The adopted son, Koji.

Date of birth: June 20, 1953.

It is recognized that this copy of the census register is not different in original of the census register.

March 10, 1955.

TOKUTARO KAKIZAWA,
The Mayor of Hiratsuka, Kanagawa Pref.

H. R. 6364.—The beneficiary is a 16-year-old native and citizen of Portugal, who presently resides in that country. His mother was admitted to the United States for permanent residence on October 18, 1951. The beneficiary was included in his mother's nonpreference visa application filed on June 6, 1944. However, in May 1951, when the mother passed the medical examination, it was discovered that the beneficiary was afflicted with tuberculosis, and so he was unable to accompany his mother to this country. The beneficiary is now medically qualified to enter the United States, but a nonpreference quota number is not available for his use.

A letter, with attached memorandum, dated July 25, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 25, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6364) for the relief of Joao Maria Vieira, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of those files.

The bill would place the beneficiary in a position to obtain preference in the issuance of a quota immigrant visa by providing that the beneficiary shall be held and considered for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, to be the natural-born alien child of Maria do Ceu Vieira Evaristo, a lawful resident alien of the United States.

The beneficiary is chargeable to the quota for Portugal.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JOAO MARIA VIEIRA, BENEFICIARY OF H. R. 6364

Information concerning the beneficiary was furnished by his mother, Maria do Ceu Vieira Evaristo, who resides in Newark, N. J.

The beneficiary was born in Murtosa, Portugal, on June 5, 1939, where he presently resides with his maternal grandparents. He has never been in the United States. He completed 5 years of schooling. He has no income or assets, and is the illegitimate child of Maria do Ceu Vieira Evaristo, upon whom he is dependent for support.

The beneficiary's mother, Maria do Ceu Vieira Evaristo, is single. She was born on September 22, 1914, in Murtosa, Portugal. She was admitted to the United States for permanent residence on October 18, 1951. She has been employed as a sewing-machine operator since 1951 by the Cooper Sportswear Manufacturing Co., Newark, N. J., at a weekly salary of $50. Her assets consist of savings in the amount of $2,779.55. Her parents reside in Portugal. She has one brother, Jose Maria Evaristo, a United States citizen, with whom she resides at 141 Ferry Street, Newark, N. J. She also has one sister who is a United States citizen.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated August 4, 1955:

DEPARTMENT OF STATE,
Washington, D. C., August 4, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 6, 1955, and its enclosures, wherein you requested a report of the facts in the case of Joao Maria Vieira, beneficiary of H. R. 6364, 84th Congress, 1st session.

A report recently received by the Department from the American consulate at Oporto, Portugal, reads as follows:

"The subject applicant, the minor illegitimate child of Maria do Ceu Vieira Evaristo, was included in his mother's nonpreference application filed at this consulate under B. C. jurat date of June 6, 1944. In May 1951 the mother passed the medical examination but the child was found to have tuberculosis and so was unable to accom-

pany his mother, who was granted a visa and journeyed to the United States in October 1951, leaving her child in Portugal to undergo treatment.

"The mother subsequently attempted to file a form I–133A petition with the Immigration and Naturalization Service in New York, requesting third preference status for her son, but her application was denied on the ground that as an illegitimate child he is entitled only to nonpreference status.

"Although Master Evaristo, now 16 years of age, appears to enjoy good health, he is unable to join his mother in the United States because as a nonpreference applicant he is so far down on the preference scale that it will apparently be many years before his turn will be reached in the issuance of visas.

"Only when it appears likely that numbers may be available to nonpreference applicants with his registration date will the consulate invite him to undergo another medical examination and make his dossier current."

At the present time there is no information in the Department's files from which it could be ascertained whether or not Joao Maria Vieira would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Congressman Peter W. Rodino, Jr., the author of the bill, submitted the following affidavits in support of the bill:

STATE OF NEW JERSEY,
County of Essex, ss:

Maria do Ceu Vieira Evaristo of full age, residing at 76 Jackson Street, Newark, N. J., being duly sworn according to law, upon her oath deposes and says:

1. I am the mother of Joao Maria Vieira, who was born in Murtosa, Portugal, on June 5, 1939.

2. I am a lawful resident of the United States having been admitted to residence on October 18, 1951, at the port of New York, N. Y. My alien registration number is A–812745.

3. Gonsalo Fernandes Chapelo, who is presently living in Murtosa, Portugal, is the father of the said Joao Maria Vieira.

4. Prior to the birth of my son, I was engaged to Gonsalo Fernandes Chapelo. When I became pregnant, Gonsalo Fernandes Chapelo refused to marry me and married another woman, to whom he was also engaged without my knowledge. Since the time my said son was born, his father has never contributed to his support, and has never lived with his father or visited with him.

5. At the present time, my son is living with my parents in Portugal. My mother is 65 years of age and my father is 70; they work on a small farm in Portugal and their circumstances are poor.

6. I came to the United States to join my brother, Jose Evaristo, and my sister, Adelaide Rodriguez. I presently reside with my sister.

7. I am employed at Cooper Sports Wear, Newark, N. J., as a sewing-machine operator and I earn $50 a week. I had to leave Portugal because I could not secure employment to enable me to earn sufficient moneys to support myself and my son. I contribute to the support of my son by sending money to Portugal at regular intervals.

8. My brother, Jose Evaristo, is employed by Lugano Bros. Construction Co. and is earning $100 a week. He will render financial assistance when required, in the raising and educating of my son, when and if my son is permitted to enter into the United States.

9. My parents, as previously stated, are well advanced in years. My son has been refused a preference because he is illegitimate. I was unfortunate in that the child's father refused to marry me, and is now living with his wife in Portugal. I feel that my child has suffered enough through the years and, of course, I love my son just as I would if his father had married me. Therefore, I wish to do all in my power to give him the parental guidance and affection that every person should have in his formative years.

10. While illegitimate children suffered many disabilities in many of the United States by reason of their illegitimacy, the last two decades have seen great progress made in that field and society has recognized that the imposition of such disabilities was an injustice visited upon innocent children born out of wedlock; and in keeping with society, Christianity, and charity, the legislatures of most of our States enacted laws removing those disabilities and placing those children in the same position as children born in wedlock.

11. Unfortunately, the Immigration and Naturalization Act has not kept pace with the sentiment prevailing within the rest of the country and, therefore, I respectfully submit to this committee that both economic and spiritual and social hardship exist in this matter and urge that the committee recommend the enactment of a bill considering Joao Maria Vieira my natural born and legitimate child.

MARIA DO CEU VIEIRA EVARISTO.

Sworn and subscribed to before me this 29th day of December 1955.

VINCENT J. OGREATI,
Attorney at Law of New Jersey.

OUR LADY OF FATIMA RECTORY,
Newark, N. J., December 29, 1955.

To Whom It May Concern:

One of my parishioners, Maria do Ceu Evaristo, from 76 Jackson Street, Newark, N. J., has, in Portugal, a son Joao Maria Vieira, born outside of the wedlock.

Being his natural mother, Maria do Ceu Evaristo wishes that her son, only 16 years old, would come to her company, so she could care for him properly.

As pastor of this good woman who once in life made a mistake, I can see well her problem, and also the religious, moral, and social advantages of her own son being with her.

Hereby I send my appeal to you that you may give the utmost of your consideration to this case, so important to this mother, to me, and to society.

Hoping that you may find the best solution to this problem, I remain.

Very gratefully yours,

REV. JOSEPH L. CAPOTE, P. P.

90008°—57 S. Rept., 84-2, vol. 8——6

H. R. 6492.—The beneficiary is a 14-year-old native and citizen of Japan, who presently resides in that country. When he was 2 months of age, he was adopted by his aunt, Mrs. Nobu Yamada Tsunomori, a citizen of the United States.

A letter, with attached memorandum, dated July 29, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATIOX AND NATURALIZATION SERVICE,
Washington, D. C., July 29, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6492) for the relief of Nobuyuki Tsunomori, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif. office of this Service, which has custody of those files.

The bill is intended to confer nonquota status on the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be held and considered to be the natural-born alien child of a United States citizen.

As a quota immigrant the child would be chargeable to the quota for Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE NOBUYUKI TSUNOMORI, BENEFICIARY OF PRIVATE BILL H. R. 6492, 84TH CONGRESS

Nobuyuki Tsunomori is a 14-year-old native and citizen of Japan born January 17, 1941. He is residing with his natural parents in Japan and has never been in the United States. He was adopted in Japan on March 24, 1941, by his aunt, Mrs. Nobu Yamada Tsunomori, the interested party. He is the younger son of Mrs. Tsunomori's brother and his wife, who have four other children. They agreed to the adoption because Mrs. Tsunomori has never had any children of her own.

Mrs. Nobu Yamada Tsunomori, who has been a widow since 1939, is a citizen of the United States by naturalization in the United States district court, San Francisco, Calif., December 9, 1953. She has testified that she is the lessee and proprietor of the Oakland Hotel, 122 East Main Street, Stockton, Calif., and that her income from this business is about $4,500 a year. Her assets consist of $15,000 in the bank and furnishings at her place of business valued at approximately $1,000. She states that she contributes $30 per month for the support of her adopted son, and that this is supplemented by a bank account in Japan held in her

brother's name. She has also invested $500 in savings bonds which are issued in the boy's name.

A visa petition submitted by Mrs. Tsunomori on behalf of the beneficiary for preference quota status under section 203 (a) (4) of the Immigration and Nationality Act was approved on February 24, 1954, and forwarded to the State Department; however, it appears that a visa has not been available due to the condition of the quota for Japan.

The Director of the Visa Office, Department of State, submitted the following report on the case dated August 10, 1955:

DEPARTMENT OF STATE,
Washington, August 10, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 6, 1955, and its enclosures, wherein you requested a report of the facts in the case of Nobuyuki Tsunomori, beneficiary of H. R. 6492, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated July 12, 1955, from the American consulate at Fukuoka, Japan.

As the fourth preference category of the quota for Japan is oversubscribed, it is anticipated that Nobuyuki Tsunomori would undergo a considerable period of waiting before a number could be allotted for his use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Nobuyuki Tsunomori would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

JULY 12, 1955.

To: Department of State.
From: American Consulate, Fukuoka, Japan.
Subject: Visas, immigrant case of Nobuyuki Tsunomori.
Reference: Department's OMV 60, June 25, 1955.

The records of the Office indicate that Nobuyuki Tsunomori first made application for registration on the quota waiting list for Japan on September 2, 1952.

On March 11, 1954, an approved visa petition VP 13-8831 was received at the consulate according him fourth preference status within the quota. The petition was filed on his behalf February 24, 1954, by Nobu Yamada Tsunomori, 122 East Main Street, Stockton, Calif., who states on the petition that Nobuyuki Tsunomori is her adopted son.

In March 1954 Mrs. Tsunomori submitted an affidavit of support on Nobuyuki Tsunomori's behalf.

The last correspondence and most recent information in the dossier is a letter from the consulate to Nobuyuki Tsunomori dated March 22, 1954, acknowledging receipt of the visa petition and the affidavit of support.

H. R. 6540.—The beneficiary is a 31-year-old native and citizen of the Philippine Islands, who presently resides in that country. His mother is deceased, and his father, a United States citizen, has remarried and resides in the United States. Inasmuch as the beneficiary has reached his majority, he is not entitled to nonquota status in the issuance of a visa.

A letter, with attached memorandum, dated November 8, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 8, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6540) for the relief of Reuben Bautista, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that he shall be considered the natural-born alien minor son of a United States citizen.

As a quota immigrant the beneficiary would be chargeable to the quota of the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE REUBEN BAUTISTA, BENEFICIARY OF H. R. 6540

Information concerning this case was furnished by Antonio M. Bautista, father of the beneficiary.

The beneficiary, Reuben Bautista, a native and citizen of the Philippines, was born on March 29, 1925. He has never married and is presently residing in Cuba, La Union, Philippines.

Reuben Bautista is a graduate of the Far Eastern University, Manila, Philippines, where he majored in commerce. He is self-employed as a traveling merchant. Information regarding his income and assets is not available. He has no close relatives in the United States except his father. His maternal grandparents and an uncle reside in the Philippines.

The beneficiary has never been in the United States. Petition for issuance of immigrant visa was approved in his behalf on July 29, 1953, but the quota is oversubscribed beyond the preference to which he is entitled.

The beneficiary has had no military service.

Antonio M. Bautista, a naturalized citizen of the United States, is employed as a club car attendant at a salary of

about $330 per month. He alleges that his net worth is about $7,000. He has remarried, the beneficiary's mother having died in 1925, and resides with his wife and child at 7108 Ingleside, Chicago, Ill.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated August 4, 1955:

DEPARTMENT OF STATE,
Washington, August 4, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 6, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Reuben Bautista, beneficiary of H. R. 6540, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated July 8, 1955, from the American Embassy at Manila, Philippine Islands.

As the fourth preference portion of the quota for the Philippines is oversubscribed, it is anticipated that Mr. Bautista would undergo a considerable period of waiting before a number could be allotted for his use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mr. Bautista would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

JULY 8, 1955.

To: Department of State.
From: Amembassy, Manila.
Subject: Visas: Immigrant Visa Case of Reuben Bautista.
Reference: Department's OMV 184 of June 25, 1955.

Reuben P. Bautista applied at this office for a student visa on June 15, 1953. He was refused on the grounds that he did not appear to be a bona fide nonimmigrant.

On the basis of a visa petition (VP9–8180) filed by his father, Antonio M. Bautista, he was registered under the fourth preference section of the Philippine quota waiting list as of July 17, 1953. As Reuben was born in the Philippines on March 29, 1925, he was not eligible for nonquota status when he applied in 1953.

The case has been the subject of inquiry by three Members of Congress. Congressman Barratt O'Hara of Illinois wrote on October 21, 1953 (reply December 2); Senator Paul H. Douglas of Illinois wrote on May 14, 1954 (reply May 27); and Senator Everett M. Dirksen of Illinois wrote on June 24, 1954 (reply July 2).

There is no record that the applicant has appeared in this office since he was refused a student visa on June 29, 1953.

Congressman Barratt O'Hara, the author of the bill, submitted the following statements in support of the bill:

REPUBLIC OF THE PHILIPPINES, SENATE, MANILA

To Whom It May Concern:

This is to certify that Mr. Reuben P. Bautista, of Caba, La Union, and presently residing at 1230 Sulu Street, Santa Cruz, Manila, is personally known to me of good moral character and integrity.

This certification is issued to Mr. Bautista for whatever it may be worth in connection with his application for a visa to the United States.

Manila, Philippines, June 24, 1955.

ALEJO MABANAG,
Senator of the Philippines.

FAR EASTERN UNIVERSITY,
Manila, Philippines, June 24, 1955.

To Whom It May Concern:

This is to certify that Mr. Reuben Bautista was graudated with the degree of bachelor of science in commerce from the Institute of Accounts, Business, and Finance of this university on December 22, 1950.

ANTONIO T. JIMENEZ, *Registrar.*

FAR EASTERN UNIVERSITY,
INSTITUTE OF ACCOUNTS, BUSINESS AND FINANCE,
Quezon Boulevard, Manila, Philippines, June 25, 1955.

HON. BARRATT O'HARA,
Second District, Illinois,
United States of America.

DEAR SIR: The undersigned is concurrently engaged as a senior auditor of Fleming & Williamson, C. P. A.'s and as faculty of the Far Eastern University, where candidate Reuben P. Bautista has worked and studied.

Formerly as a coemployee in the auditing firm, I have had the opportunity of working with him. He performed junior auditing work in small-sized audit engagements under my supervision. Based on this association and observation of work, I have formed the opinion that—

(1) He is a hard worker with patience and determination;
(2) He is a steady and reliable assistant; and
(3) He has shown interest and initiative in work in spite of the limited responsibility given him.

As a student, he took auditing courses under me for two quarters. The following observation is presented:

(1) He is diligent in his studies, doing his homework and studying the assigned lessons;
(2) He is regular in his classes;
(3) He maintains good relationship with his classmates.

Very respectfully yours,

EUGENIO REYES, *Professor.*

FAR EASTERN UNIVERSITY,
INSTITUTE OF ACCOUNTS, BUSINESS AND FINANCE,
Quezon Boulevard, Manila, Philippines, June 25, 1955.

Hon. BARRATT O'HARA,
Second District, Illinois,
United States of America.

DEAR SIR: Having been my student in accounting subjects in the Institute of Accounts, Business and Finance at the Far Eastern University, Mr. Reuben P. Bautista is known to me personally.

In my observation of his qualities as a student, I have reasons to believe that he has an ability beyond the average and a deep interest in the lessons assigned. He was always willing to undergo the rigors of learning. I found him to be a diligent and hard-working student, with the capacity for intellectual growth.

While I have had no close contact with him in his activities in the field of accounting practice before he qualified as a Certified Public Accountant, I was informed that in the big public accounting firm, which he had joined he performed his work creditably and well.

Very truly yours,

PASCASIO S. BANARIA, *Professor.*

REPUBLIC OF THE PHILIPPINES, PROVINCE OF LA UNION,
SAN FERNANDO

OFFICE OF THE FISCAL

To Whom It May Concern:

This is to certify that Mr. Reuben P. Bautista, 30 years old, single, Filipino, and resident of Caba, La Union, Philippines, has no criminal record whatsoever according to the records available in this office.

Issued upon his request in connection with his desire to apply for a visa to go to the United States of America.

San Fernando, La Union, Philippines, June 21, 1955.

LUIS H. SISON,
Provincial Fiscal.

Resident's certificate No. A–1390965, issued at Canlaoa, Negros Oriental, on January 1, 1955.

REPUBLIC OF THE PHILIPPINES, MUNICIPALITY OF CABA, LA UNION,
OFFICE OF THE CHIEF OF POLICE

To Whom It May Concern:

This is to certify that Mr. Reuben P. Bautista is a bona fide resident of Caba, La Union. He is known to me as a law-abiding citizen and a man of good moral character.

That he has never been accused nor convicted of any crime whatsoever.

Issued upon his request this 17th day of June 1955, at Caba, La Union, Philippines, in connection with his desire to apply for an immigration visa to the United States of America.

PAULINO B. RUNAS,
Chief of Police.

H. R. 6737.—The beneficiary is a 17-year-old native and citizen of Yugoslavia, who presently resides in that country. Her parents are deceased, and she is to be adopted by Mr. and Mrs. Nikola J. Fuchs. Mr. Fuchs is a United States citizen, and is the beneficiary's uncle.

A letter, with attached memorandum, dated December 7, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 7, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6737) for the relief of Milica Ebenspanger, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would provide that, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the beneficiary shall be held and considered to be the natural-born alien child of a citizen of the United States, thus making her eligible to nonquota status.

As a quota immigrant the child would be chargeable to the quota for Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MILICA EBENSPANGER, BENEFICIARY OF H. R. 6737

Information concerning the beneficiary was furnished by her uncle, Nikola J. Fuchs, who resides at 20 East 35th Street, New York City.

The beneficiary, Milica Ebenspanger, is a native, citizen, and resident of Yugoslavia, who was born on December 23, 1938. She is an orphan and has no relatives other than Mr. Fuchs, who is her mother's brother. She attends high school in Zagreb, Yugoslavia, and is supported by her uncle. The beneficiary has never been to the United States.

Nikola J. Fuchs was born on July 15, 1900, in Yugoslavia. He became a naturalized United States citizen on June 26, 1950. Mr. Fuchs was graduated from the University of Prague in Czechoslovakia in 1924 with a degree in electrical engineering. Prior to World War II his company represented the Westinghouse Electric Corp. in Yugoslavia. He is presently employed by the Westinghouse Electric International Co. in New York City as a sales engineer at a salary of $9,000 per annum. His assets consist of $4,000 in a sav-

ings account, securities valued at $1,000, and personal property, including jewelry, worth approximately $15,000. He was married to Anna Obradovic on February 9, 1939, in Yugoslavia. They have no children. Mr. Fuchs states that he intends to adopt the beneficiary upon her arrival in the United States.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated September 13, 1955:

DEPARTMENT OF STATE,
Washington, September 13, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of June 22, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Milica Ebenspanger, beneficiary of H. R. 6737, 84th Congress, 1st session.

A report recently received by the Department from the American Embassy at Belgrade, Yugoslavia, states that Miss Ebenspanger was born in Zagreb on December 23, 1938. Her parents died during World War II, and she was adopted by Mrs. Nada Stilinovic. Mrs Stilinovic died in March 1954, and her brother, Mr. Dinko Ivasic was appointed the girl's legal guardian, with whom she is apparently now living. Miss Ebenspanger was interviewed by a consular officer at the Embassy on February 14, 1955, in connection with her application for a student visa. After carefully considering all aspects of the case, the responsible consular officer decided that she was not a bona fide nonimmigrant student. Her present guardian had indicated that he was agreeable to her going to the United States to reside permanently. She had no family ties whatsoever which would compel her to return to Yugoslavia, whereas her sponsor in the United States, Mr. Nikola Fuchs had expressed his willingness to assume full responsibility for her here. At the time of interview, it was also ascertained that Miss Ebenspanger lacked the adequate proficiency in the English language necessary for carrying on studies in an American high school. However, the deciding factor in the case was the absence of ties in Yugoslavia and her consequent inability to establish that she had a residence there to which she would definitely return after the completion of her studies. This is one of the statutory requirements for nonimmigrant classification as a student.

As the quota for Yugoslavia is oversubscribed, it is anticipated that Miss Ebenspanger would undergo a considerable period of waiting before a number could be allotted for her use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Ebenspanger would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Congressman Frederic R. Coudert, Jr., the author of the bill, submitted the following letters and statements in support of the bill:

NEW YORK, N. Y., *February 6, 1956.*

Hon. FREDERIC R. COUDERT, Jr., M. C.,
House of Representatives,
Congress of the United States, Washington, D. C.

SIR: I would like to thank you for your note of January 20, enclosing an original letter from the chairman of Subcommittee No. 1 of the House Judiciary Committee, in connection with bill H. R. 6737 concerning Miss Milica Ebenspanger.

I certainly appreciate your courtesy in sending this communication to me and I thank you for your kindness in promising to advise me when further information is available.

I well appreciate that you are extremely busy and I must apologize for troubling you further. I am sure that you will realize that I am very anxious to have some news upon this whole matter as quickly as possible, especially in view of the present political trend in Yugoslavia as far as the international scene is concerned.

Frankly I am preoccupied at the possibility of a rapprochement of Yugoslavia and the U. S. S. R. which might lead to a ban on Yugoslav nationals leaving their country unless engaged on government business.

Do you think that it would be possible to expedite the hearing of bill H. R. 6737 and do you believe that there is a good possibility of it being passed?

I apologize for troubling you but I am sure that you will understand my anxiety.

Thanking you once again for your efforts on my behalf, I am, sir,

Yours very truly,

NIKOLA J. FUCHS.

AFFIDAVIT

STATE OF NEW YORK,
County of New York, ss:

Nikola J. Fuchs being duly sworn deposes and says:

1. I reside at 20 East 35th Street, New York 16, N. Y.

2. I desire to adopt my niece Milica Ebenspanger, who resides at Vinkoviceva 5, Zagreb, Yugoslavia. She is the daughter of my sister Barbara who died in 1940. My brother-in-law, her father, died in 1942. My niece has no relatives of any degree of consanguinity in Yugoslavia. I am her only living close relative.

3. I intend to undertake at my own expense to support my niece, give her an education, maintain her at all times and furnish her a home with me at 20 East 35th Street, New York.

Further deponent sayeth not.

NIKOLA J. FUCHS.

Sworn to before me the 6th day of June 1955.

[SEAL] JUAN C. GUTIERREZ.

Commission expires March 30, 1965.

WESTINGHOUSE ELECTRIC INTERNATIONAL CO.,
New York, N. Y., March 22, 1955.

UNITED STATES STATE DEPARTMENT,
Visa Division, Washington, D. C.

GENTLEMEN: Mr. N. J. Fuchs has requested that we prepare this letter giving the particulars of his employment with the Westinghouse Electric International Co.

Since May 1, 1950, Mr. Fuchs has been in our employ and he is presently functioning in the capacity of a sales engineer in our Europe and Africa Area Sales Division. Mr. Fuch's present salary is approximately $9,000 per year.

It is our understanding that Mr. Fuchs will present this letter to you along with an affidavit requesting that consideration be given to granting his niece, Miss Milica Ebenspanger, a citizen of Yugoslavia, a United States of America educational visa.

Very truly yours,

C. H. TIEDEMAN,
Manager, Employee Relations.

SERBIAN CATHEDRAL OF ST. SAVA,
NEW YORK, N. Y., *March 22, 1955.*

To Whom It May Concern, Greetings:

It is a pleasure and pleasant duty to certify that Mr. Nikola J. Fuchs is a member in good standing at present; that he has been a member of our Cathedral church since 1944; that he has faithfully and very efficiently served for several years on different committees of the church; that he has every year contributed quite generously toward the maintenance of the church and school work. I am grateful for all his sincere and most unselfish cooperation.

Respectfully yours,

Very Rev. D. J. SHOUKLETOVICH, *Dean.*

COUNTY OF NEW YORK,
State of New York, ss:

Before me a notary public in and for the county of New York, State of New York, appeared one Nikola J. Fuchs, personally to me known, and, upon taking oath, declared the following:

That he arrived in this country on April 8, 1944; that he is naturalized citizen of the United States of America; that he has been and still is a resident of the city of New York; that he is married and lives with his wife; that he is employed by the Westinghouse Co., with offices at 40 Wall Street, New York City; that he has only one dependent in this country, that being his wife, who is in good health; that he is a member in good standing of his church; that he is not and never has been a member of any group, society, or organization, that is disloyal to this country.

The affiant further saith, that he has a niece of his (his sister's daughter), named Milica Ebenspanger, who was born December 23, 1938, in Zagreb, Yugoslavia; that Milica's mother, Barbare, died in 1940; that her father, Robert was killed in 1943; that she, Milica, is

an orphan, whom the affiant has supported ever since the death of her parents; that said Milica now resides at 16 Rockefeller Street, Zagreb, Yugoslavia; that she is in the sixth grade of gymnasium in Zagreb; that she lives in a house where there are Communists, and that she rebels against them; that her life is in danger, since she is coming of age where she can be persecuted for her opinions and beliefs; that she is learning the English language and is quite proficient in it.

The affiant further saith that he is able, ready, and willing to assist his niece, Milica, to come to the United States of America, as a student, to continue her studies with no danger to her life; that his niece, said Milica, has been granted a passport by Tito's government, after 6 years of waiting; that the said passport expires in September 1955; that it is very unlikely that the validity of the passport would be extended any further.

The affiant further states that if and when said Milica is granted permission to come to this country as a student, that she, Milica, will upon completion of her studies return to Yugoslavia; that he, the affiant, is prepared to post, if need be, a bond to insure the return of his niece back to Yugoslavia; but he prays that she, Milica, be given permission to come to this country now, where and when she can best develop her mental capacities along the lines of American democracy.

The affiant saith further not.

NIKOLA J. FUCHS.

In New York, N. Y., March 22, 1955.

Subscribed and sworn to before me this 22d day of March 1955.

[SEAL] JOSEPH J. CALLAHAN,
Notary Public.

Term expires March 30, 1956.

H. R. 6983.—The beneficiary is a 3-year-old native and citizen of Austria, who presently resides in that country with his grandmother. His father is a United States citizen, who was engaged to marry the beneficiary's mother. However, the beneficiary's father was refused permission to marry, inasmuch as the mother was found to be afflicted with tuberculosis, which resulted in her death in December 1953.

A letter, with attached memorandum, dated December 9, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6983) for the relief of Gerald Seckl, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass. office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and

Nationality Act by providing that the child shall be considered the natural-born alien child of a citizen of the United States.

As a quota immigrant the child would be chargeable to the quota of Austria.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GERALD SECKL, BENEFICIARY OF PRIVATE BILL, H. R. 6983

Information concerning the case was obtained from John F. Drinkwater, the sponsor, who acknowledged paternity of the beneficiary on May 5, 1954, in Wels, Austria.

George Seckl is a 3-year-old child, a native and citizen of Austria, who was born on July 13, 1952, at Wels. He has never been in the United States. He is the son, born out of wedlock, of Maria Seckl. The child's mother died at Wels, Austria, on December 12, 1953, of tuberculosis and this was her only child. He is presently residing with his grandmother, Anna Biebl, at Kaiser Josefplatz 49, Wels, Austria, and is being supported by the sponsor who sends the grandmother about $20 a month for the care of the child. At times the sponsor also sends clothes and presents for his son. The American consul at Salzburg, Austria, refused to give the child a United States passport in February 1954 because it was held that the child had not been legitimated by acknowledgment of his paternity by the sponsor under Austrian law. The child was also refused a nonpreference immigrant visa at the same consulate in February 1954 because the Austrian quota was oversubscribed.

John F. Drinkwater is a native citizen of the United States through birth in Swampscott, Mass., on June 3, 1930. He has never been married and presently resides with his mother at 13 Putnam Street, Salem, Mass. Mr. Drinkwater is presently attending Boston University under the GI bill. He receives $120 per month through the Veterans' Administration and in addition has assets of $1,000 in personal belongings. Mr. Drinkwater served in the United States Army from June 30, 1947, to June 9, 1954, when he was honorably discharged. While in the Army he served in Germany and Austria. The sponsor met the mother of the beneficiary in Wels, Austria, in February 1951, after which they became engaged. He requested permission from the Army authorities to marry the child's mother in March 1952 and this was refused because it was alleged she had tuberculosis and he was to be returned to the United States within 6 months. He reentered the United States under Army orders on August 7, 1952. At his request he was again returned to Germany in January 1953 and was again denied permission to marry the child's mother. The sponsor last entered the United States under Army orders on June 7, 1954.

John F. Drinkwater is the person who is primarily interested in the bill.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated September 13, 1955:

DEPARTMENT OF STATE,
Washington, September 13, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of July 1, 1955, and its enclosures, wherein you requested a report of the facts in the case of Gerald Seckl, beneficiary of H. R. 6983, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated August 11, 1955, from the American Consulate at Salzburg, Austria.

This office will inform the committee as soon as a further report is received in this case.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

Date: August 11, 1955.

To: Department of State, Washington, D. C.
From: American Consulate, Salzburg, Austria.
Subject: Visas: Immigrant case of Gerald Seckl.
Ref: Department's OMV No. 16, dated July 26, 1955.

In Department's referenced OMV has been referred to this consulate by the Embassy at Vienna for appropriate action and reply.

The records of the consulate show that Gerald Seckl has never been registered as an intending immigrant to the United States. The only information about this boy that is known to this consulate is contained in an exchange of correspondence with the Honorable William H. Bates, copies of which are attached.

Registration forms and instructions have now been sent to Gerald Seckl's grandmother in order that the consulate may have further information about this case.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 20, 1955.

The AMERICAN CONSUL,
American Consulate, Vienna, Austria.

MY DEAR CONSUL: I would very much appreciate your advice with regard to the case of John F. Drinkwater of 13 Putnam Street in Salem, Mass., and his desire to effect the entry into the United States for permanent residence, his son, Gerald Seckl, an Austrian.

The facts in this case are as follows: The son was born Gerald Seckl, on July 13, 1952, in Wels, Austria. His mother, Maria Seckl, an Austrian by birth, died in December of 1953. Maria gave John's name as the father of her child at the Youth Office in 1952 and it was entered in the book there. Sergeant Drinkwater was then assigned

to the 328th Communications Reconnaissance Company, APO 108. His serial number was RA11173413. I am enclosing a certificate of the birth of Gerald and which notes the name of John Drinkwater. The latter has admitted paternity.

Gerald is being cared for by his grandmother and has since his birth. John Drinkwater has been contributing to his support all the while. The former soldier tells me that he was stationed in Austria at the time of the boy's birth, but due to Maria's physical condition, they were unable to get permission to marry from the United States military authorities. He has been out of the service since June of 1954 and has made several trips to the consulate at Salzburg in the hope of finding a way to get his son into the United States, but without success. The grandmother's name and address follows: Frau Anna Biebl, Wels, Kaiser-Josef Platz 49, Austria.

With appreciation for your cooperation, I am;

Very truly yours,

WILLIAM H. BATES.

AMERICAN CONSULATE,
Salzburg, Austria, February 3, 1955.

Hon. WILLIAM H. BATES,
House of Representatives.

MY DEAR MR. BATES: I acknowledge receipt of your letter dated January 20, 1955, which inquired into the immigration prospects of Gerald Seckl, natural son of John F. Drinkwater, of Salem, Mass.

A careful check of the files maintained by the consulate reveals no record of Gerald Seckl having registered for immigration at this office. It is therefore suggested that his guardian be advised to submit for him the required visa questionnaire and application for registration to the American consulate, Salzburg. This form may be obtained by writing to this office.

Under the Immigration and Nationality Act of 1952, Gerald Seckl cannot derive American citizenship from John Drinkwater inasmuch as he was never legitimized by subsequent marriage of his parents, nor did his natural father acknowledge paternity in the manner required before December 25, 1952. As an alien, he is chargeable for immigration purposes to the quota of the land of his birth, and must wait for consideration till his registration date is reached on the waiting list. In the absence of adoption by an American citizen, he would appear to qualify for no preference; even preference as a result of such adoption would help him little, as the portion of the Austrian quota reserved for the adopted sons and daughters of American citizens is at present heavily oversubscribed.

I wish to assure you that Gerald Seckl will receive every consideration consistent with existing visa laws and regulations.

Sincerely yours,

OSCAR C. HOLDER, *American Consul.*

Congressman William H. Bates, the author of the bill, submitted the following letter in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 24, 1955.

The CHAIRMAN,
House Committee on the Judiciary,
Old House Office, Washington, D. C.

MY DEAR MR. CHAIRMAN: I am attaching to this letter a copy of H. R. 6983 for the relief of Gerald Seckl, natural-born alien child of John F. Drinkwater, citizen of the United States, and I would appreciate it very much if you would request the usual departmental report.

John F. Drinkwater, is a resident of 13 Putnam Street in Salem, Mass., and spent 7 years in the Armed Forces. The son was born Gerald Seckl, on July 13, 1952, in Wels, Austria. His mother, Marie Seckl, an Austrian by birth and who died in December of 1953. Maria gave John's name as the father of her child at the Youth Office in 1952 and it was entered in the official book there. Sergeant Drinkwater was then assigned to the 328th Communications Reconnaissance Company, APO 108. His serial number was RA11173413.

Gerald is being cared for by his grandmother and has since his birth. John Drinkwater has been contributing to his support all the while. The former soldier informs me that he was stationed in Austria at the time of the boy's birth but, due to Maria's physical condition, they were unable to get permission to marry from the United States military authorities. He has been out of the service since June of 1954 and has made several trips to the consulate at Salzburg in the hope of finding a way to get his son into the United States, but without success.

The Austrian quota is heavily oversubscribed and, even if adoption proceedings were completed, a long wait would be required for a fourth preference-quota number under that quota. In the light of the general situation, I feel that a private bill to give the child non-quota status is appropriate and I have no hesitancy in urging favorable consideration of this proposed legislation. With kind regards, I am,

Sincerely yours,

WILLIAM H. BATES.

H. R. 7166.—The beneficiary is a 14-year-old native and citizen of Italy who presently resides in that country. She was adopted on August 27, 1952, in Italy, by Mrs. Theresa Feola, a United States citizen, who is the beneficiary's aunt. The beneficiary's adoptive mother is a widow, and has sufficient assets to provide the beneficiary's support.

A letter, with attached memorandum, dated December 5, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization, with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 5, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7166) for the relief of Teresina N. Feola, there is attached a memorandum or information concerning the beneficiary. This memorandum has been prepared from the Immigration

and Naturalization Service files relating to the beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act by providing that the child shall be considered the natural-born alien child of Theresa Feola, a citizen of the United States.

As a quota immigrant the child would be chargeable to the quota of Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE TERESINA N. FEOLA, BENEFICIARY OF H. R. 7166

Information concerning this case was obtained from Mrs. Theresa Feola, adoptive mother of the beneficiary.

Teresina N. Feola is a 14-year-old child, a native and citizen of Italy, born on December 24, 1940, in Salerno, Italy. She has never been in the United States, and resides with her natural parents and one sister in Salerno, Italy.

The beneficiary's adoptive mother, Theresa Feola, is also her aunt. Mrs. Feola states the beneficiary was awarded to her by order of the Court of Appeals of Naples, Italy (Chancery of the Minor Section) on August 27, 1952, case No. 1038. Mrs. Feola is a widow. She was born on September 18, 1891, in Salerno, Italy. She first entered the United States in 1921 as an immigrant. Following a visit to Italy she returned to the United States on April 29, 1950, at which time she was admitted as a United States citizen. Her income is approximately $1,000 per year from a rooming house which she operates at 1040 Franklin Avenue, Aliquippa, Pa., and interest on cash savings of $4,200. No one in the United States is dependent upon her for support.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated September 23, 1955:

DEPARTMENT OF STATE,
Washington, September 23, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 25, 1955 and its enclosures, wherein you requested a report of the facts in the case of Miss Teresina N. Feola, beneficiary of H. R. 7166, 84th Congress, 1st session.

A report recently received by the Department from the American Consulate General at Naples, Italy, states that the subject alien was registered as a fourth preference applicant under the Italian quota as of May 20, 1954, the date of the filing of the petition.

As the fourth preference category of the quota for Italy is oversubscribed, it is anticipated that Miss Feola would undergo a considerable period of waiting before a number could be allotted for her use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Feola would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

H. R. 7374.—The beneficiary is a native and citizen of Lebanon, about 22 years of age, who presently resides in Lebanon. In 1947, he was adopted by Mr. and Mrs. George Peters, who are United States citizens. Mr. Peters is the beneficiary's uncle. The whereabouts of the beneficiary's natural parents is unknown.

A letter, with attached memorandum, dated December 13, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 13, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7374) for the relief of Abdo A. B. Abi Aoun Peters, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act by providing that the beneficiary shall be considered the natural-born alien minor child of United States citizens.

As a quota immigrant the beneficiary would be chargeable to the quota of Lebanon.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ABDO A. B. ABI AOUN PETERS, BENEFICIARY OF H. R. 7374

Information concerning this case was obtained from Mr. and Mrs. George Peters, the beneficiary's adoptive parents.

The beneficiary, who is also known as Abdo A. B. Abi Aoun Sassen, is a native and citizen of Lebanon. He was born on an unknown date in 1933 or 1934 in Ain Saade, Lebanon. He is single. The beneficiary has never been in the United States. He completed high school and 1 year's training in an automobile mechanics' training school in Beirut, Lebanon. He resides in Ain Saade, Lebanon, where he is employed as an automobile mechanic. He has no assets. The whereabouts of his parents is unknown. The beneficiary's adoptive parents, Mr. and Mrs. Peters, have two natural-born

sons who reside in the United States. They indicate they adopted the beneficiary in Ain Saade, Lebanon, in 1947.

The beneficiary's adoptive father, George Shaeen Peters, who is also his uncle, was born on September 16, 1900, at Ain Saade, Lebanon. He entered the United States as an immigrant in 1923. He was admitted to the United States citizenship on March 18, 1947.

The beneficiary's adoptive mother, Alta Webber Peters, is a United States citizen. She was born at Prairie Grove, Ark., on September 3, 1911. Mr. and Mrs. Peters have operated a grocery store in Sistersville, W. Va., since 1935. Their income from such business during 1954 was approximately $5,600. Their assets, which consist of their business, real estate, and stocks, are valued at $8,800.

The committee may wish to direct a request to the Bureau of Security and Consular Affairs of the Department of State for additional information concerning the beneficiary.

Congressman M. G. Burnside, the author of the bill, submitted the following letter in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 16, 1955.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR EMANUEL: I am writing this letter to follow up my conversation with you on the floor a few days ago. I have introduced a bill to benefit Abdo A. B. Abi-Aoun Peters, the adopted son of Mr. George Peters of Sistersville, W. Va.

As I told you, I first began work on this case some 6 years ago. I have been following the advice of the Judiciary Committee throughout. I was originally advised not to introduce a bill for him since it was felt that he would get into the country under the regular preference quota. He applied for a visa August 26, 1947. He has fourth preference quota status. No one from Lebanon has been admitted in fourth preference who applied later than 1946. Apparently, the quota is still oversubscribed for years to come. This, of course, I did not realize when I worked on this case previously.

Abdo A. B. Abi-Aoun Peters was adopted by Mr. George Peters sometime prior to 1952 when he was a minor. He is now 21 years of age, but I wish to make it clear that he had been adopted long before he became of age. I will furnish to the Judiciary Committee the exact date of his adoption as soon as I have received it from Mr. Peters. Under these circumstances, I think it only fair that my bill should be given whatever consideration it would have received had it been introduced during the minority of Abdo A. B. Abi-Aoun Peters.

I will be more than happy to furnish whatever information the committee desires and to cooperate with it in every possible way in this matter.

Sincerely yours,

M. G. BURNSIDE.

H. R. 7593.—The beneficiary is a 13-year-old native and citizen of Austria, who presently resides in that country. On May 19, 1952, the beneficiary's mother was married to Frank J. Horak, a United States citizen, and she was admitted to the United States for permanent residence on December 1, 1953. Mr. Horak intends to adopt the beneficiary, if she is admitted to the United States.

A letter, with attached memorandum, dated January 12, 1956, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 12, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7593) for the relief of Gertraud Anna Giulio, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would enable the beneficiary to obtain preference in the issuance of a quota immigrant visa by providing that she shall be considered the natural-born alien child of Augusta Giulio Horak.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GERTRAUD ANNA GIULIO, BENEFICIARY OF H. R. 7593

Information concerning this case was obtained from Augusta Giulio Horak, mother of the beneficiary.

The beneficiary is a 13-year-old child, a native and citizen of Austria, who was born on April 4, 1942, in Vienna, Austria. She has never been in the United States. She resides with her grandmother in Vienna, Austria.

The beneficiary's father is unknown. Her mother, Augusta Giulio Horak, is a native and citizen of Austria. She was born on June 28, 1911, in Vienna, Austria. Mrs. Horak resided in the United States from April 1952 until October 1953 as a visitor. She was admitted to the United States for permanent residence on December 1, 1953. Mrs. Horak has been married on two occasions. Her first marriage was terminated by divorce in January 1942. Her next marriage was to her present husband, Frank Joseph Horak, on May 19, 1952. Mrs. Horak is employed as a dress designer at the French Shop in Washington, D. C.

The beneficiary's stepfather, Frank Joseph Horak, was born on September 21, 1894, in Czechoslovakia. He was admitted to United States citizenship approximately 20

years ago in Washington, D. C. Mr. Horak has been married on two occasions. He was previously married to his present wife's twin sister. This marriage was terminated by divorce. Mr. Horak has indicated he intends to adopt the beneficiary upon her admission to the United States. Since 1950 he has been employed as a waiter at the Sheraton Park Hotel in Washington, D. C., Mr. and Mrs. Horak reside in Washington, D. C.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated February 7, 1956:

FEBRUARY 7, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to the Department's letter of November 7, 1955, in reply to your communication dated August 25, 1955, concerning Miss Gertraud A. Giulio the beneficiary of H. R. 7593 introduced by Mr. Wainwright on July 25, 1955.

I enclose for your information a copy of a communication dated January 16, 1956, from the Embassy at Vienna, a copy of which with the original enclosures have been forwarded to the Immigration and Naturalization Service for consideration with respect to the visa petition No. VP 4-I-24899, filed by Mrs. Augusta Giulio Horak with the district director of Immigration and Naturalization at Philadelphia to establish third preference status for her daughter Gertraud A. Giulio. The report indicates that Miss Giulio may not be classifiable as a child within the meaning of section 101 (b) (1) (C) of the Immigration and Nationality Act.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

JANUARY 16, 1956.

To: Department of State.
From: AMEMBASSY, Vienna, Austria.
Subject: Visas: Immigrant visa case of Gertraud Anna Giulio.
Reference: Department's OMV 53 of September 20, 1955; Embassy's MOV 92 of September 28, 1955; VP 4 124899 approved on December 5, 1955 for third preference status and 22 CFR 42.28 (a) (1) and (5).

This office has suspended action on the petition under reference since the beneficiary is the illegitimate child of the alien petitioner and, therefore, not entitled to third preference classification under section 203 (a) (3) of the act.

According to the statements contained in the petition, Mrs. Horak was divorced from her first husband, Julius G. Warmuth, on August 1, 1942. However, the copy of her divorce decree on file at this office states that she was divorced on December 17, 1941.

In connection with her application, Gertraud Anna Giulio presented a birth certificate showing that she was born at Vienna on April 4, 1942, and that her mother is Augusta Viktoria Giulio. No mention

of the father is made on this certificate. Under Austrian law, a child born within 9 to 10 months after the divorce of its parents is considered to be a legitimate child unless the divorced husband informs the competent Austrian authorities that he is not the father of the child. In view of this, the applicant was requested to submit a birth certificate mentioning the name of the father. Another birth certificate issued by the Office of Vital Statistics at Vienna was then presented. This certificate states that Gertraud Anna Giulio was born at Vienna on April 4, 1942, that her mother is Augusta Viktoria Warmuth, nee Giulio, and adds in a "change in the entry" that Josef Johann Filipp acknowledges the paternity of the child. Copies of these two birth certificates, together with unofficial translations, are enclosed.

The Embassy is of the opinion that Gertraud Anna Giulio cannot be considered a "child" within the meaning of section 101 (b) (1) (C) since, according to Austrian law, legitimation occurs only upon the marriage of the natural parents of the child. Consequently, the petition executed by Mrs. Augusta Horak for third preference classification on behalf of her daughter, Gertraud Anna Giulio, would appear to be invalid.

The Department may wish to bring the foregoing information to the attention of the Immigration and Naturalizaion Service for such action as it may deem appropriate.

Enclosures: As stated.

BIRTH CERTIFICATE

VIENNA, *January 9, 1956.*

(Office of Vital Statistics, Vienna-Waehring, No. 859/1942)

Gertrude Anna Giulio was born on April 4, 1942, in Vienna XVIII, Wielemansgasse 28.

Mother: Augusta Viktoria Warmuth, nee Giulio, expert tailor, Catholic, residing in Vienna.

Changes in the entry: Josef Johann Filipp, bus driver, acknowledges paternity of the child.

OFFICE OF VITAL STATISTICS REPRESENTATIVE,
[s] (Illegible.)

Fee stamp 1 schilling, city of Vienna; fee stamp 50 groschen, city of Vienna.

Circular seal, Office of Vital Statistics, Vienna-Waehring.

True copy of original:

W. T. HANSEN.

BIRTH CERTIFICATE

(Office of Vital Statistics 28, Vienna-Waehring, No. 859/1942)
Gertraud Anna Giulio, expert tailor, living in Vienna 19, Bellevuestrasse 10, Catholic.
Changes in the entry: ——— ———.

VIENNA, December 10, 1942.

CLERK OF THE OFFICE OF VITAL STATISTICS,
[SEAL] (Signature illegible.)

Fee stamp, schillings 1.50.
Circular seal of Kamillo Bayer, public notary, Vienna-Waehring.
VIENNA, *December 28, 1955.*

This copy compares exactly with the original before me on a plain sheet of paper.

Dr. KURT BINDER.

Substitute for Notary Public Kamillo Bayer, whose notary position in Vienna-Waehring became open by his death, decision of the Supreme Court for Civil Legal Affairs, Vienna, dated December 31, 1955. Pers. 4–B–5.53.
True copy of original:

W. T. HANSEN.

H. R. 7832.—The beneficiary is a 16-year-old native and citizen of Japan, who presently resides in that country. On October 18, 1955, she was adopted by Mr. and Mrs. Robert P. Landau. Mr. Landau is a United States citizen and member of our Armed Forces. Mrs. Landau is the beneficiary's sister.

A letter, with attached memorandum, dated January 12, 1956, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 12, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 7832) for the relief of Sueko Oshiro, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would provide that for the purposes of the Immigration and Nationality Act, the beneficiary shall be held and considered to be the natural born alien child of Robert P. Landau, citizen of the United States, thus making her eligible to nonquota status.

As a quota immigrant the beneficiary is chargeable to the quota for Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SUEKO OSHIRO, BENEFICIARY OF H. R. 7832

The information in this case was furnished by Beatrice Landau, the mother of the sponsor, and from our local files.

The beneficiary, Sueko Oshiro, who was born on August 30, 1939, is a native and citizen of Japan. On October 18, 1955, she was adopted in the family court at Yokohama, Japan, by Robert P. Landau and his wife, Kazuko Oshiro, a sister of the beneficiary. Sueko Oshiro resides with her adopted parents in Yokohama, Japan, where they provide for her necessary needs. Her only other living relative is her mother, a native and resident citizen of Japan.

Robert P. Landau was born in New York, N. Y., on March 1, 1932. He enlisted in the United States Army on April 10, 1953, and is at present assigned to the 500th Army Post Unit, stationed in Japan. His pay and allowances total approximately $4,000 a year. Mr. Landau and Kazuko Oshiro were married in Japan on Septemebr 14, 1953.

Mrs. Beatrice Landau of 63–10 110th Street, Forest Hills, N. Y., the mother of Robert P. Landau, stated that arrangements have been made for his employment and the housing of his family upon their return to this country.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated November 1, 1955:

DEPARTMENT OF STATE,
Washington, November 1, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of August 25, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Sueko Oshiro, beneficiary of H. R. 7832, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated October 10, 1955, from the American Embassy at Tokyo, Japan.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Oshiro would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

OCTOBER 10, 1955.

To: Department of State.
From: American Embassy, Tokyo.
Subject: Visas, immigrant case of Sueko Oshiro.
Re Department's OMV–60, September 28, 1955.

The Embassy invited Pvt. Robert P. Landau to call at the Embassy with regard to his desire to arrange for the entry into the United States of Sueko Oshiro. During the course of the interview Private Landau stated that Miss Oshiro, 16 years of age, is his sister-in-law and has been living with him and his wife for about a year; that Sueko's father is deceased and that her mother is almost destitute; that she has ne'er-do-well older brother and a younger brother who is, however, as yet unable to support her. Private Landau stated further that when he returns to the United States with his family he desires to take Sueko with him as he and his wife have grown very fond of her and they feel that if she remains in Japan she may be "sold" in order to support herself and her mother and that she may be forced to earn her living in an undesirable manner. Private Landau stated that he and his wife are presently arranging to adopt Miss Oshiro. Miss Oshiro's preliminary visa application has not yet been received, nor is there any other documentation concerning her file at the Embassy.

The files of the Embassy contain approved petition VP13–I–16071 dated March 25, 1955, according the wife and minor son of Private Landau nonquota status under the act. Although the minor son was born out of wedlock, appropriate steps are being taken by Private Landau to legitimate him. Private Landau is also the father of a minor daughter, Michele, born on December 5, 1953, who, it appears, is eligible for an American passport.

Congressman Lou Holtzman, the author of the bill, submitted the following letters and adoption decree in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 5, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MANNIE: I am enclosing, herewith, a copy of an adoption decree on Sueko Oshiro, the beneficiary of H. R. 7832.

You will recall that this young girl is the sister-in-law of one of my constituents, Robert P. Landau, who is currently serving with the Army in Japan. Her father is dead, and she has no other member of her family to care for her with the exception of the sister who is married to Mr. Landau.

Mr. and Mrs. Landau are scheduled to return to the United States in March of 1956, and they are naturally anxious to bring this young

girl with them at that time. I shall therefore deeply appreciate any further consideration your committee may be able to give this matter when the 2d session of the 84th Congress convenes in January 1956.

Thanking you in advance for your kindness in this connection, and with best wishes, I am

Sincerely yours,

LOU HOLTZMAN.

[Translation]

DECREE

Case of adoption (KA) No. 3887 of 1955.

Petitioner: Robert P. Landau. Domicile in 63–10 110th Street, Forest Hills, N. Y., U. S. A. Present address: 36, Asada-cho 2-chome, Kawasaki-shi, Kanagawa-ken.

Petitioner: Kazuko Oshiro. Permanent domicile: 126, Nakashima, Wakayama-shi, Wakayama-ken. Present address: Same as first-mentioned petitioner's.

Principal person in the case: Sueko Oshiro, born on August 30, 1939. Permanent domicile: 126, Nakashima, Wakayama-shi, Wakayama-ken. Present address: Same as above-mentioned petitioner's.

TEXT OF AND REASONS FOR DECREE

With reference to the case of the adoption petitioned for as mentioned above, this court permits the petitioners to adopt the principal person in the case, recognizing the petition justifiable for the following reasons: While the parties concerned, each being domiciled in Japan, may be regarded as coming under the provisions of the Japanese Civil Code, an investigation made by this court makes it possible to consider that it would be to her future benefit that the principal person in the case be adopted by the petitioners; and, moreover, nothing in the Japanese Civil Code may be interpreted as offering any ground for interfering with the said adoption.

SATORU, ANDO,
Judge of Domestic Relations,
Yokohama Family Court.

OCTOBER 18, 1955.

The foregoing is an authentic copy of the original decree.

[SEAL] SEIZABURO SEKIGUCHI,
Assistant Court Clerk,
Yokohama Family Court.

OCTOBER 18, 1955.

TOKYO, *October 27, 1955.*

Certified that the above is a true and correct translation of the accompanying Japanese document.

YASUTERU ASAHINA,
Secretary, Ministry of Foreign Affairs
(Archives Section).

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 9, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MANNIE: I am once again contacting you in behalf of Sueko Oshiro, the beneficiary of my bill H. R. 7832, which is pending before Subcommittee No. 1.

This young Japanese girl is the adopted daughter of Mr. Robert and Mrs. Kazuko Landau. Mrs. Landau is the sister of Sueko. Mr. Landau is with the United States Army, stationed in Japan, and he and his wife have legally adopted Sueko, and are anxious to bring her back to the United States with them.

As I had mentioned in my previous letters, Mr. Landau had expected to be returned to the States in March 1956, but I now understand that he is due to return about April 15, 1956. Naturally he and his wife want to bring Sueko with them rather than leave her in Japan.

I realize the subcommittee has a very heavy docket, and I do not like to ask for consideration out of turn. However, with time of the essence, I wonder if it would be possible for the subcommittee to consider the bill at the earliest possible opportunity. I shall be grateful for any attention.

Thanking you in advance for your kindness in this connection, and with best wishes, I am,

Sincerely yours,

LES.

H. R. 8006.—The beneficiary is a 12-year-old native and citizen of Italy, who presently resides in that country, with her natural parents and 5 brothers and sisters. She is to be adopted by Mr. and Mrs. Joseph Lemmo, who are United States citizens. The natural parents have consented to the adoption.

A letter, with attached memorandum, dated March 22, 1956, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 22, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8006) for the relief of Elizabeth Chivilo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cleveland, Ohio, office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of Mr. and Mrs. Joseph Lemmo, citizens of the United States.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELIZABETH CHIVILO, BENEFICIARY OF H. R. 8006

Information concerning this case was obtained from Mr. and Mrs. Joseph Lemmo, the prospective adoptive parents of the beneficiary.

Elizabeth Chivilo is a 12-year-old child, a native and citizen of Italy, who resides with her parents, Mr. and Mrs. Pietro Chivilo, at Frisanco, Italy. Her parents have five other children and have consented to her adoption.

Mr. and Mrs. Joseph Lemmo are United States citizens, ages 61 and 45, respectively. They reside in Canton, Ohio, where Mr. Lemmo is self-employed as a barber. They have no children of their own and have indicated that the beneficiary will be their sole heir. They own real estate valued at over $40,000 and have cash savings of approximately $2,000. Mr. Lemmo has stated that Judge Reuben S. Wise of the probate court at Canton, Ohio, has agreed to approve the adoption, but under laws of the State of Ohio the child must be present in court before the adoption can be granted.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated March 14, 1956:

DEPARTMENT OF STATE,
Washington, March 14, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 12, 1956, requesting a report of the facts in the case of Elizabeth Chivilo, the beneficiary of H. R. 8006 which was introduced by Mr. Bow on January 3, 1956.

The Department's files contain a report dated March 1, 1956, from the Office of the United States Representative at Trieste stating that Elizabeth Chivilo called at that office on February 20, 1956, accompanied by her natural parents Pietro and Franceschina Chivilo. Mr. and Mrs. Chivilo stated that Elizabeth had been adopted by Mr. and Mrs. Joseph Lemmo in Venice on February 28, 1955. In the event that H. R. 8006 is enacted the consul will be able to give prompt consideration to the application of Elizabeth Chivilo for an immigrant visa upon receipt of a petition filed by Mr. and Mrs. Lemmo with the Immigration and Naturalization Service and approved by the Attorney General on her behalf.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Congressman Frank T. Bow, the author of the bill, submitted the following letter in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 26, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Thank you for forwarding a copy of the departmental report on H. R. 8006 for the relief of Elizabeth Chivilo.

I note that the committee now has the reports of both the State and Justice Departments. As the reports reveal, Elizabeth Chivilo is a 12-year-old child. Her entry into this country and adoption by my constituents, Mr. and Mrs. Lemmo, has been delayed because she passed her 10th birthday before they could take advantage of the provisions of the Refugee Act. Their anxiety to have this child with them and their despair over the delay has moved me deeply, as I am certain it would the members of the committee.

It is my understanding that the committee may consider bills ahead of the normal numerical order when there are worthy compassionate reasons to do so. I sincerely hope that the committee may give special consideration to the plight of this young girl and her intended adoptive parents.

Sincerely yours,

FRANK T. BOW, *Member of Congress.*

H. R. 8069.—The beneficiary is a 5-year-old native and citizen of Japan, who presently resides in that country. She was adopted on October 26, 1955, by Helena G. Branch, a United States citizen, who has been employed by the Army in Japan for the past 4 years, and who has also adopted 1 other child, who is the beneficiary of H. R. 6135, and is included in this joint resolution.

A letter, with attached memorandum, dated March 8, 1956, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., March 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8069) for the relief of Sharon Elizabeth Branch (Yumi Ishiki), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration

and Nationality Act, by providing that the child shall be considered the natural-born alien child of Helena G. Branch, a citizen of the United States.

As a quota immigrant the child would be chargeable to the quota of Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SHARON ELIZABETH BRANCH (YUMI ISHIKI), BENEFICIARY OF H. R. 8069

Information concerning this case was obtained from the beneficiary's adoptive mother, Helena G. Branch.

The beneficiary is a 5-year-old child. She was born on September 10, 1950, in Yokohama, Japan. Her natural parents are unknown. The beneficiary has never been in the United States. She resides with her adoptive mother and foster brother in Takenomara, Japan.

The beneficiary's adoptive mother, Helena G. Branch, is a citizen of the United States. She was born in Washington, D. C., on May 24, 1924. Mrs. Branch is employed by the United States Army Ordnance Department in Japan as a clerk-stenographer at a salary of $3,840 per annum. Her assets are valued at $3,100. Mrs. Branch was married on August 20, 1941. However, this marriage was terminated by divorce in December 1949. No children were born of this marriage.

Mrs. Branch adopted the beneficiary on October 26, 1955, at the Home Court of Justice in Yokohama, Japan. She previously adopted one other child, Jude Anthony Branch, in Japan on March 5, 1955. Private bill H. R. 6135 was introduced in the 1st session of the 84th Congress to grant him nonquota in the issuance of an immigrant visa.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated March 14, 1956:

DEPARTMENT OF STATE,
Washington, March 14, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 17, 1956, requesting a report of the facts in the case of Sharon Elizabeth Branch (Yumi Ishiki), the beneficiary of H. R. 8069 which was introduced by Mr. Powell on January 3, 1956.

The records of the Department contain a report dated February 9, 1956, from the consulate general at Yokohama, Japan, indicating that Sharon Elizabeth Branch (Yumi Ishiki) was born in Yokohama on September 10, 1950, and that she was adopted in accordance with the laws of Japan on October 31, 1955, by Miss Helena G. Branch, an American citizen. Although the child's mother consented to the adoption the consul understands that the child had previously been placed in a local orphanage. Since the child's adopted mother is not married the child is not eligible for consideration under the

Refugee Relief Act. In view of the oversubscribed condition of the quota for Japan the child would encounter an indefinite wait before her turn could be reached under the quota to receive a nonpreference immigrant visa. In the event that H. R. 8069 is enacted it will be possible for the consul to give prompt consideration to her visa application upon receipt of a petition filed by Miss Branch with the Immigration and Naturalization Service and approved by the Attorney General.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

H. R. 8088.—The beneficiary is a 20-year-old native and citizen of the Philippine Islands, who presently resides in that country. His mother and stepfather are citizens of the United States and reside in this country with the beneficiary's half-brother.

A letter, with attached memorandum, dated March 5, 1956, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 5, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8088) for the relief of Emiliano Robante, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EMILIANO ROBANTE, BENEFICIARY OF H. R. 8088

Information concerning this case was obtained from Isdora Robante Torculas, mother of the beneficiary.

Emiliano Robante, a native and citizen of the Philippines, was born on August 8, 1935. He is single and works as a farm laborer at an unknown wage for his uncle in Central Antequera, Bohal, Philippines. The beneficiary attended elementary school in the Philippines for 5 or 6 years. He has no assets. His mother, stepfather, and half brother live in the United States.

Isadora Robante Torculas, a naturalized United States citizen, was married to Engracio Bongcayo Torculas, also a naturalized United States citizen, on January 15, 1941, in the Philippines. They have one son, Victor Torculas, who lives with them at 138 Blanco Road in Salinas, Calif. The combined income of Mrs. Torculas and her husband, who work as farm laborers, is approximately $5,000 yearly. Their assets consist of an automobile worth $900, furniture and personal possessions valued at $1,200, a savings account of $2,300, and an equity of $3,500 in a house they agreed to purchase for $18,500. They receive a monthly rental of $130 from that house, on which they pay $128 each month. Mrs. Torculas' only relative in the United States, other than her immediate family, is a cousin in Sacramento, Calif.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated March 6, 1956:

DEPARTMENT OF STATE,
Washington, March 6, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 13, 1956, requesting a report of the facts in the case of Emiliano Robante, the beneficiary of H. R. 8088 which was introduced by Mr. Teague on January 3, 1956.

The Department's files contain a report dated February 6, 1956, from the Embassy at Manila indicating that Emiliano Robante is the beneficiary of a petition filed by his mother, Mrs. Isidora Robante Torculas, an American citizen, with the Immigration and Naturalization Service and approved by that Service on May 12, 1955, according him fourth preference status under the the immigration quota for the Philippines. He has a priority on the Philippine quota waiting list as of March 18, 1952. Owing to the oversubscribed condition of the Philippine quota Emiliano Robante will encounter an indefinite wait before his turn will be reached for consideration as a person entitled to fourth preference immigrant status. There is nothing in the Department's files which indicates that Mrs. Torculas' son would be unable to qualify to receive a visa when his turn is reached for consideration.

Under the provisions of H. R. 8088, Emiliano Robante would be classifiable as a minor child of an American citizen until August 8, 1956, when it is indicated he will become 21 years of age. It may be doubtful whether Mr. Robante would be able to apply at a port of entry to the United States with an immigrant visa in the event that H. R. 8088 is enacted, prior to his 21st birthday. In the event that H. R. 8088 were to be amended to omit the word "minor" on line 4 and to insert the word "minor" in line 6 between the word "alien" and the word "child", the relief contemplated by the bill for Mr. Robante would not be terminated by his reaching the age of 21 years.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Congressman Charles M. Teague, the author of the bill, submitted the following letters and statement in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 6, 1956.

Re H. R. 8088, Emiliano Robante.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN CELLER: I have introduced the above-identified private bill for the relief of Emiliano Robante, natural son of Mrs. Isidora Robante Torculas of 138 Blanco Road, Salinas, Calif.

Emiliano Robante was born on August 8, 1935, according to an authenticated birth certificate, copy of which is attached to this letter. The original is in the possession of Mrs. Isodora Robante Torculas.

Mrs. Torculas is an American citizen, as indicated in the attached letter which I received from the American consul in the Philippines, and it is noted that separation of mother and son imposes a hardship upon both.

Considering the urgency of time, with reference to the birth date, I have prepared my bill with a view to seeking favorable congressional action in the present session before the son becomes 21 years of age. I shall appreciate anything you can do to expedite this case, because I believe it is meritorious. Thank you.

Sincerely yours,

CHARLES M. TEAGUE,
Member of Congress.

REPUBLIC OF THE PHILIPPINES,
MUNICIPALITY OF ANTEQUERA, BOHOL,
Office of the Treasurer.

To Whom It May Concern:

This is to certify that according to the record of births filed in this office, Emiliano Robante, son of Isidora Robante, was born on August 8, 1935 as per: Book No. 6; page 76; reg. No. 296.

In testimony whereof, I have hereunto set my signature and caused the seal of the Government to be affixed this 25th day of January, 1950, at Antequera, Bohol, Philippines.

A. E. JOSOL, *Local Civil Registrar.*

[SEAL AFFIXED.]

THE MUNICIPAL GOVERNMENT OF ANTEQUERA,
January 25, 1950.

The above is a true copy, copied from the original by L. B. Slater September 15, 1955. LBS.

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN EMBASSY,
Manila, Philippines, September 15, 1955.

Hon. CHARLES M. TEAGUE,
House of Representatives, Washington, D. C.

SIR: I have received your letter of September 6, 1955, regarding the immigrant visa application of Emiliano Robante, natural son of Mrs. Isidora Robante Torculas of 138 Blanco Road, Salinas, Calif.

Because of the circumstances of Emiliano's birth, it has not been possible for him to obtain nonquota immigrant status as a child within the meaning of section 101 (b) (1) of the Immigration and Nationality Act. When therefore Mrs. Torculas was granted American citizenship and filed a petition with the Attorney General on behalf of Emiliano, it was only possible for him to be accorded fourth preference status on the Philippine immigration quota.

Emiliano is registered on the fourth preference portion of the quota as of March 18, 1952. However, this portion of the quota is heavily oversubscribed and the first three preference portions have regularly taken all the available quota numbers. It is anticipated that this situation will continue for an indefinite number of years.

I regret that it is not possible to state when a quota number will become available for Emiliano's use. We fully realize the hardship that separation imposes upon both mother and son. We have taken careful note of your interest in Emiliano's case and should there be any developments which will work in his favor we will notify you.

Respectfully yours,

T. J. DUNNIGAN, *American Consul.*

H. R. 8614.—The beneficiary is a 9-year-old native and citizen of Austria, who presently resides in that country. Her mother was married in Austria on July 7, 1951, to Ivan Maker, and they were admitted to the United States for permanent residence on January 11, 1952, as displaced persons. Mr. Maker intends to adopt the beneficiary if she is admitted to the United States.

A letter, with attached memorandum, dated March 28, 1956, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 28, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8614) for the relief of Maria Knaziewicz, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Milwaukee, Wis., office of this Service, which has custody of those files.

The bill would confer preference quota status upon the beneficiary pursuant to sections 203 (a) (3) and 205 of the Immigration and Nationality Act, by providing that she shall be considered the natural-born child of legally admitted alien residents of the United States.

As a quota immigrant the child would be chargeable to the quota for Austria.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA KNAZIEWICZ, BENEFICIARY OF H. R. 8614

Information concerning this case was obtained from Mrs. Teckla Makar, who advised that the beneficiary is her illegitimate child.

The beneficiary, Maria Knaziewicz, a native and citizen of Austria, was born on March 1, 1947. She resides with a friend of her mother at Katerina Gruniac, Stoswrdoron #5 Enzenkirche, Austria.

The beneficiary is a student in the second grade. She has no assets although she receives food packages and financial assistance from her mother. Her mother, sister, half-sister, and three half-brothers reside in the United States.

The beneficiary has never been in the United States. Her mother was married to Ivan Makar in Austria on July 7, 1951. They were admitted to the United States for permanent residence on January 11, 1952, as displaced persons. Mr. and Mrs. Makar reside at 1568A South Sixth Street, Milwaukee, Wis. Their assets consist of $680 savings and a $4,000 equity in real property. They receive $130 a month rental income, and Mr. Makar receives $85 a week from his employment as a janitor and handy man.

Mr. Makar has indicated his willingness to support the beneficiary and an intent to adopt her if she is permitted to enter the United States.

The Director of the Visa Office, Department of State, submitted the following report on the case, dated March 16, 1956:

DEPARTMENT OF STATE,
Washington, March 16, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to your letter of January 24, 1956, requesting a report of the facts in the case of Maria Knaziewicz, the beneficiary of H. R. 8614 which was introduced by Mr. Zablocki on January 18, 1956.

The Department's files contain a report dated February 9, 1956, from the consul at Salzburg, Austria, indicating that Maria Knaziewicz is registered as a nonpreference immigrant on September 28, 1954, and that in view of the oversubscribed condition of the Austrian quota an indefinite time will elapse before her turn will be reached for consideration under the provisions of the Immigration and Nationality

Act. The report states that this child is ineligible to receive a visa under the provisions of the Refugee Relief Act.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Congressman Clement J. Zablocki, the author of the bill, submitted the following letter and statements in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 4, 1956.

Hon. FRANCIS WALTER,
Chairman, Subcommittee No. 1,
Committee on the Judiciary,
House of Representatives,
Washington, D. C.

DEAR MR. CHAIRMAN: I appreciate receiving copies of the reports submitted on my bill, H. R. 8614, by the Department of Justice and the Department of State. These reports, together with the documents which I submitted to your committee earlier, appear to complete the file on Maria Knaziewicz.

It is my sincere hope that your committee will find it possible to grant early and favorable consideration to H. R. 8614, which, in turn, would hasten this child's reunion with her parents. Since the girl is only 9 years old, the separation has proved trying to the entire family. It would be sincerely appreciated, therefore, if you could schedule early action on this case.

With best wishes, I am,

Respectfully yours,

CLEMENT J. ZABLOCKI,
Member of Congress.

AFFIDAVIT

STATE OF WISCONSIN,
Milwaukee County, ss:

Ivan Makar, being first duly sworn, on oath deposes and says that he is the husband of Teckla Knaziewicz, having married said Teckla, July 7, 1951, in Lelinz, Austria, and are now living as husband and wife in the city of Milwaukee, Wis., and that he is willing to adopt said Maria Knaziewicz who was born January 3, 1947, in Raab, Austria, that he is now able to support Maria Knaziewicz and that he has approximately $800 and is the owner of two parcels of property in the city of Milwaukee and that the value of said real estate is $12,250 and that he is employed at the Falk Corp., earning approximately $70 a week; that he is making the affidavit for the purpose of proving that he is ready and able to adopt said Maria Knaziewicz.

IVAN MAKAR.

Subscribed and sworn to before me this 20th day of September 1955.

[SEAL] SYLVIA KIRGUES,
Notary Public.

My commission expires July 13, 1958.

In the presence of:

MARY JOAN STANUHI,
SYLVIA KIRGUES.

AFFIDAVIT

STATE OF WISCONSIN,
Milwaukee County, ss:

Teckla Makar, being first duly sworn, on oath deposes and says that she is the wife of Ivan Makar, having married said Ivan Makar July 7, 1951, in Lelinz, Austria.

That Maria Knaziewicz is her own child, born on January 3, 1947, in Raab, Austria, said child being born out of wedlock. The present address of said Maria Knaziewicz is Strarwdaran No. 5, Post Ensenkirche, Bezirk Shoerding, Austria, and that she is living with a family which is being paid by the Government for her care; that she desires to have Maria Knaziewicz come to the United States so that her present husband, Ivan Makar, can adopt her legally; that she has made every possible effort for Maria Knaziewicz to come to this country.

TECKLA MAKAR.

Subscribed and sworn to before me this 20th day of September 1955.

[SEAL] SYLVIA KIRGUES,
Notary Public.

My commission expires July 13, 1958.

In the presence of:

MARY JOAN STANECKI.
SYLVIA KIRGUES.

S. 2717.—The beneficiary is a 3-year-old native and citizen of Spain, who presently resides in that country. His mother was married in Spain, on February 21, 1955, to Patrick Louis Perry, a United States citizen, and was admitted to the United States for permanent residence on September 7, 1955. Mr. Perry states that he will adopt the beneficiary if he is permitted to enter the United States.

A letter, with attached memorandum, dated December 9, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 9, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2717) for the relief of Jose Boo Lopez, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Louis, Mo., office of this Service, which has custody of those files.

The bill would grant the beneficiary nonquota status under sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that he shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the beneficiary would be chargeable to the quota of Spain.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JOSE BOO LOPEZ, BENEFICIARY OF S. 2717

Information concerning the beneficiary was furnished by Concepcion Boo Perry, his mother, and Patrick Louis Perry, his stepfather.

The beneficiary, Jose Boo Lopez, a native and citizen of Spain, was born on July 20, 1952, to Concepcion Boo Lopez (now Perry) and an unknown father. He is presently residing in care of Juan Bachero, Pasaje Bernardino NR 2, Barcelona, Spain. He has never been in the United States.

Concepcion Boo Perry was born in Spain on January 8, 1930. She was married to Patrick Louis Perry, a citizen of the United States, in Spain on February 21, 1955. She entered the United States for permanent residence on September 7, 1955, and resides with her husband at Allenton, Mo.

Patrick Louis Perry served honorably in the United States Air Force from January 1951 to January 1955. He is presently employed as a clerk at a salary of $67 per week. Mr. and Mrs. Perry have stated that it is their intention to provide a home and support for the beneficiary if he is permitted to enter the United States.

Senator Thomas C. Hennings, Jr., the author of the bill, submitted the following letter in support of the bill:

ALLENTON, MO., *March 19, 1956.*

DEAR SIR: I have a private bill in Congress to permit my wife's son to come to this country. She had to come here without the boy because he is an illegal child. I am going to adopt him as soon as he arrives in this country. My wife came here on September 7 and we have been trying to get the boy a visa since then. Our private bill is at Washington now and waiting to be voted on. I understand that your committee will vote on it. I would like to ask you when you are going to look into the matter of this private bill. My wife is in bad health because of this situation and it is a bad thing for both of us. When we were in Spain the consulate there said it would only be a matter of a few months. It is now going on 7 months. The boy's name is Jose Boó Lopes and the private bill number is bill No. S. 2717 84th Congress, 1st session. I would greatly appreciate an answer of some kind in the very near future.

Sincerely,

PATRICK L. PERRY.

S. 2897.—The beneficiary is a 16-year-old native and citizen of China, who presently resides in Hong Kong, with his grandmother. His grandfather is a United States citizen, and plans to adopt the beneficiary if he is admitted to the United States. The beneficiary's grandmother has delayed coming to the United States until the beneficiary could accompany her.

A letter, with attached memorandum, dated May 11, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2897) for the relief of Lim Gin Wey, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Tucson, Ariz., office of this Service, which has custody of those files.

The bill would provide for the issuance of an immigrant visa to the beneficiary notwithstanding the quota limitations of the Immigration and Nationality Act and authorize his admission for permanent residence if he is otherwise admissible under that act. It would also direct that one number be deducted from the appropriate immigration quota.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LIM GIN WEY, BENEFICIARY OF S. 2897

Information concerning this case was obtained from Lim Don, the beneficiary's uncle.

The beneficiary, Lim Gin Wey, was born on March 6, 1940, in Toishan City, Kwangtung, China. He claims that he acquired United States citizenship at birth through his father, Lim Min On. However, he has been unable to present sufficient proof of such citizenship to the American consulate general at Hong Kong, British Crown Colony, to enable him to gain entry into this country as a United States citizen.

The beneficiary resided with his father and mother in Toishan City, Kwangtung, China, from the time of his birth until sometime in 1951. About 1951 the beneficiary's paternal grandfather, Lim Nuey, and his grandmother, Lee Shee, took him to 146 Tai Nom Street, Kowloon, Hong Kong, British Crown Colony. He has resided at this address, with Lee Shee, up until the present time. The beneficiary is attending elementary school. He has had no contact with his parents since leaving them in Toishan City in 1951.

The beneficiary's grandfather, a United States citizen, returned to the United States in 1952. He and his son, Lim Don, have operated a grocery store in Tucson, Ariz., since 1923. They send approximately $1,600 a year to Hong Kong for the support of Lim Gin Wey and Lee Shee.

Senator Barry Goldwater, the author of the bill, submitted the following affidavits in support of the bill:

AFFIDAVIT

STATE OF ARIZONA,
County of Pima, ss:

Comes now Lim Nuey, who resides at 198 West Third Street, Tucson, Ariz., who, after being first duly sworn upon oath, deposes and says:

That he is a citizen of the United States approximately 72 years of age and was born in San Francisco, Calif., on KS 10–6–1; that he married Lee Shee in China on KS 16–8–23; that to this marital union, among other children, were born Lim Don, who now operates a grocery business with Lim Nuey in Tucson, Ariz., and Lim Min On; that Lim Min On, among other children, had a son named Lim Gin Wey; that your petitioner Lim Nuey has lived in Tucson, Ariz., for over 30 years and that he, together with Lim Don, operates a grocery store at 198 West Third Street, Tucson, Ariz., under the firm name of Lim Nuey Co.;

That since 1952 he has been making stringent efforts to bring his grandson, Lim Gin Wey, to this country; that he attaches hereto and by reference makes a part hereof copies of affidavits that he has submitted to the Department of State in connection with Lim Gin Wey's application for admittance to this country; that he understands that if Lim Gin Wey is adopted by either he or Lim Don that he would be eligible for admission to the United States on a nonquota basis; that he is ready and willing to adopt Lim Gin Wey if he be admitted to this country; that he is financially able to care for the boy; that he owns a half interest in the business of Lim Nuey Co., of which his interest is worth approximately $15,000, because in addition to having a half interest in the business he owns the real property on which the business is situated; that the partnership bank account is of the sum of approximately $1,200; that his income for the year 1955 was $2,749.97.

LIM NUEY.

Subscribed and sworn to before me this 22d day of May 1956, at Tucson, Pima County, Ariz.

[SEAL] HENRY G. ZIPF, *Notary Public.*

My Commission expires October 5, 1959.

AFFIDAVIT

STATE OF ARIZONA,
County of Pima, ss:

Comes now Lim Don residing at 1507 River View Drive, Tucson, Ariz., who, after first being duly sworn upon oath, deposes and says:

That he is a citizen of the United States, and was born in China December 21, 1908; that his father is Lim Nuey who resides at 198 West Third Street, Tucson, Ariz., and who was born in San Francisco, Calif., on KS 10–6–1; that his mother, Lee Shee, was born in China on KS 16–8–23; that his mother and father were lawfully married by an old Chinese custom about KS 33 in Ung Woo Village, Toishan, China;

That Lim Don acquired United States citizenship at birth by reason of the citizenship of his native-born father, Lim Nuey;

That he, Lim Don, has lived in Tucson, Ariz., approximately 33 years; that during that time he has assisted his father, Lim Nuey, in the operation of grocery stores in Tucson, Ariz.; that he now owns one-half interest in a grocery store which he operates together with his father, Lim Nuey, at 198 West Third Street, Tucson, Ariz., under the name of Lim Nuey Co.

That he is married to Celi Lim and that they reside at 1507 River View Drive, Tucson, Ariz. together with their three children.

That since 1952 he has made affidavits and assisted the United States in other ways for the purpose of processing an application for admittance to this country of Lim Gin Wey, his nephew; that for the purpose of information he attaches hereto an affidavit he made on May 25, 1953 in behalf of Lim Gin Wey.

That he understands that if he or Lim Nuey would adopt Lim Gin Wey that Lim Gin Wey would be eligible for admission to the United States on a nonquota basis; that he and his wife are ready and willing to adopt Lim Gin Wey if he could be brought to this country; that he is financially able to care for the boy; that he earned a net income of $2,312.69 in the year 1955; and that he owns his own home, free and clear of any encumbrances, of an approximate value of $12,000; and that his interest in the grocery store is worth approximately $5,000; that the partnership business also has a bank account of approximately $1,200.

LIM DON.

Subscribed and sworn to before me this 22d day of May 1956, at Tucson, Pima County, Ariz.

[SEAL] HENRY G. ZIPF,
Notary Public.

My Commission expires October 5, 1959.

S. 2952.—The beneficiary is a 6-year-old native of Hong Kong, who presently resides in that colony. His mother was married in Hong Kong on May 11, 1955, to Donald Herbert Deppe, a United States citizen veteran of our Armed Forces, and she was subsequently admitted to the United States for permanent residence on December 27, 1955.

A letter, with attached memorandum, dated June 8, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 8, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2952) for the relief of Shiu Ming Ma, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the child would be chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SHIU MING MA, BENEFICIARY OF S. 2952

Information concerning the case was obtained from Donald H. Deppe, the beneficiary's stepfather.

The beneficiary, Shiu Ming Ma, also known as David Lee Cook, is a 6-year-old male child, born in Hong Kong on August 8, 1949. He is the illegitimate son of Lau Suk Ping, a native and citizen of China, of the Chinese race. She has identified the father of the child as one Arthur Lee Cook, an American citizen. The beneficiary is presently in Hong Kong, and has never been in the United States.

The mother of the beneficiary was born in Chungking, China, on August 18, 1928. She married Donald Herbert Deppe on May 11, 1955, at Hong Kong. Neither has been married previously. No children have been born of this union. Mr. Deppe was born in St. Paul, Minn., on September 2, 1929, and he is a citizen of the United States. Mrs. Deppe entered the United States as an immigrant on December 27, 1955, and now resides with her husband at Minneapolis, Minn. Mr. Deppe is employed by the Magnetic Controls Co., Minneapolis, as an electrical engineer at a salary of $400 a month. They recently bought a home and have an equity therein of $1,000.

Mr. Deppe has taken no legal steps to adopt the beneficary. He served in the United States Army from January 1951 to January 1953.

Senator Hubert H. Humphrey, the author of the bill, submitted the following letter in support of the bill:

UNITED STATES SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
June 12, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR EASTLAND: In connection with the bill, S. 2952, which I have introduced for the relief of Shiu Ming Ma, I wish to present to the Committee on the Judiciary the following information:

The recipient of this bill is the illegitimate child of Suk Ping Lau Deppe, a Chinese national and permanent resident alien of the United States, now married to Donald Herbert Deppe, a natural-born American citizen. They reside in St. Paul, Minn., but the child is still in Hong Kong where it was born. A copy of the birth certificate is enclosed.

A nonquota visa was applied for at the American Consulate in Hong Kong for Shiu Ming Ma, but denied on the basis of his status as an illegitimate child. He is entitled to fourth preference under the Chinese quota; however, this will mean many years of waiting because of the oversubscribed condition of this quota. Mr. Deppe, the stepfather, intends to adopt the child under the law of the State of Minnesota if he is allowed to enter.

I feel the purposes of S. 2952 are highly meritorious and I urge the sympathetic consideration of the committee toward favorable action.

Sincerely yours,

HUBERT H. HUMPHREY.

S. 2995.—The beneficiary is an 11-year-old native and citizen of the Philipine Islands, who presently resides in Canada. His mother was married on June 25, 1946, in the Philippines to Vernon L. Petersen, a United States citizen, and she has subsequently been naturalized a United States citizen. The beneficiary's stepfather adopted him on December 24, 1947, in the Philippines.

A letter, with attached memorandum, dated May 24, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., May 24, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2995) for the relief of Roland F. Petersen, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif. office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the beneficiary would be chargeable to the quota for the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROLAND F. PETERSEN, BENEFICIARY OF S. 2995

Information concerning this case was obtained from Vernon Leroy Petersen, adoptive father of the beneficiary.

Roland F. Petersen, a native and citizen of the Philippines, was born on November 7, 1944. He is the illegitimate son of Ruth F. Fajardo, now Mrs. Vernon Leroy Petersen and a person whose name is unknown. He is now a sixth grade student at St. George's Boarding School at 3954 West 29th

Avenue in Vancouver, British Columbia, Canada. He has never lived in the United States, although he passed through this country as a transient in July 1955.

Vernon Leroy Petersen, a United States citizen, was born in Mason, Nev. on November 3, 1926. He was married to Ruth F. Fajardo, now a naturalized United States citizen, on June 25, 1946 in the Philippines. They have two daughters, Anne Teresa and Ruth Mable, born on August 6, 1947, and July 16, 1953, respectively, both of whom are United States citizens. The family now lives in apartment No. 9 at the Log Cabin Inn in Yerington, Nev.

Mr. Petersen, a high school graduate who has taken two college extension courses, is not now employed. He formerly worked as supervisory real property officer and administrative assistant for the United States Government in the Philippines. His assets consist of an automobile valued at $2,000, and $15,000 in a bank. He sends the beneficiary whom he legally adopted in Manila, Philippine Islands on December 24, 1947, $1,000 annually for his support. Mr. Petersen's mother, 2 brothers, and 2 sisters live in the United States; his father is deceased. Mr. Petersen served honorably in the United States Army from August 16, 1944, to March 7, 1947.

Senator George W. Malone, the author of the bill, submitted a number of letters and documents in support of the bill, among which are the following:

SAN FRANCISCO, CALIF., *April 26, 1955.*

Hon. GEORGE W. MALONE,
United States Senate, Washington, D. C.

DEAR SENATOR MALONE: It seems that every time that I write to you I need your assistance and this letter is no exception.

In March 1950 I wrote to you concerning the issuance of an immigration visa for my son. A copy of that letter and your anwsers are attached for your information. You stated in your answer that the only solution to the problem at hand was for my wife to go to the United States and take out citizenship. Since that time the following has taken place.

1. My wife, Ruth F. Petersen, was admitted to the United States for permanent residence as a nonquota immigrant at Honolulu, T. H., on May 2, 1953.

2. On the 29th of September 1953 my wife was granted United States citizenship by the Second Judicial District Court of Nevada at Reno and was issued certificate No. 7061075.

3. My wife applied for and was issued United States Passport No. 220582 on the 23d of October 1953.

4. Expecting to be returned to the United States myself sometime in May, June, or July, 1954, I went to the consulate section of the United States Embassy here in Manila, Philippines, for information concerning the various papers and documents needed for the processing of a visa for my son, Roland F. Petersen. I was then informed that Public Law 162 had been passed by the 83d United States Congress permitting me as the adopting parent to make application for my son's admission to the United States providing he had not reached

his 10th birthday. This was done and special nonquota visa No. 325 in accordance with Public Law No. 162, 83d Congress, was issued on February 8, 1954.

5. Due to the Army's not closing the office in which I was working I was not able to depart for the United States when previously planned, hence my son did not use the visa issued.

6. During the first few days of this month I again went to the consulate section of the Embassy to inquire about having the visa mentioned in four above reissued. I was informed at that time that Public Law 162 was no longer in effect and that the visa could not be reissued. Furthermore, inasmuch as my son has passed his 10th birthday he cannot be considered under the Refugee Act and the only thing left to do was to apply for nonquota under my wife's citizenship, as he is her son (see birth certificate attached), on form No. I–133.

7. On Tuesday, April 19, 1955, my wife and I went to the consulate section of the Embassy to get form I–133 notarized in accordance with existing regulations. We were informed at this time that a nonquota visa could not be issued inasmuch as the child was never legitimatized under the laws of the Philippines. We then asked what could be done inasmuch as we are planning on permanently returning to the United States sometime in June or early July and that we do not have much time left to get the necessary papers completed. It was also pointed out that when my wife went to the United States the last time I stayed here to look after Roland, and that I had a job here at that time; however this time is different as the whole family is leaving and that there is no one here to look after him. We were informed that there were only two things that could be done. The first, to apply for fourth preference quota entry in accordance with section 203 (a) (4) of the Immigration and Nationality Act; however after the application is approved we will still have to wait for the quota number to come up and that all this could not be done before we are to leave. The second choice was to try to get a special law passed by Congress to allow Roland nonquota entry into the United States for permanent residence. This second choice is the reason I am writing this letter at this time, to ask you to please place a bill before Congress to allow the nonquota entrance into the United States of my son, Roland F. Petersen. For your information I am sending you the following documents:

(*a*) Birth certificate of Roland (original and one photostat copy).

(*b*) Marriage contract of myself and my wife (two photostat copies—the original was submitted to the Bureau of Immigration when my wife entered the United States and was never returned).

(*c*) Birth certificate of wife (two photostat copies).

(*d*) Adoption papers (original and one photostat copy).

My birth certificate is on file with the Department of State and also at the capitol in Carson City. My passport number is 2073 issued at the Embassy in Manila, Philippines, on April 29, 1953.

It is requested that when you are finished with the documents listed above that the originals be returned to the undersigned.

Respectfully yours,

VERNON L. PETERSEN.

REPUBLIC OF THE PHILIPPINES

COURT OF FIRST INSTANCE OF MANILA

ADOPTION OF THE MINOR, ROLAND FAJARDO, VERNON L. PETERSEN, PETITIONER

Civil 2117

DECISION

This is a petition for the adoption of the minor Roland Fajardo by the herein petitioner Vernon Petersen. After due publication in the Star Reporter, a newspaper of general circulation in the city of Manila, once a week for 3 consecutive weeks, the case was then set for hearing. The office of the solicitor general was notified of the petition and no opposition was registered.

From the testimony of the petitioner, it was shown that the mother of the minor is his present wife; that the child was born previous to the marriage of the petitioner to her of an unknown father; that the mother of the child has given her consent to this adoption; that the petitioner is in a position to maintain and support the child; and that the interest of said child will be subserved and his best welfare promoted by this adoption.

Wherefore, the court hereby grants the petition of Vernon Petersen to adopt the minor Roland Fajardo and in accordance with rule 100 of the rules of court in the Philippines, the child is declared to be the child of the petitioner.

So ordered.

Manila, Philippines, December 24, 1947.

RAFAEL DINGLASAN, *Judge.*

S. 3454.—The beneficiary is a 12-year-old native and citizen of Greece who presently resides in that country. In February 1955, he was adopted by Mr. and Mrs. Lazar Christoff, who are United States citizens. Mr. Christoff is the beneficiary's uncle.

A letter, with attached memorandum, dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3454) for the relief of Lampros Lazaridis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files. According to the records of this Service, the correct name of the beneficiary is Lambros Lazaridis.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the beneficiary would be chargeable to the quota for Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LAMPROS LAZARIDIS, BENEFICIARY OF S. 3454

Information concerning this case has been obtained from the beneficiary's foster parents, Mr. and Mrs. Lazar Christoff.

The beneficiary, whose correct name is Lambros Lazaridis, is a 12-year-old child and a native and citizen of Greece. He resides in Greece with his natural parents, Leonidas and Xantepe Lazaridis. The beneficiary was adopted by Mr. and Mrs. Christoff in February 1955. Mr. Christoff is the brother of the beneficiary's natural father..

Mr. and Mrs. Christoff, ages 50 and 41 respectively, reside at 15016 Woodmont Avenue, Detroit, Mich. Both are United States citizens, Mrs. Christoff by birth, and Mr. Christoff through his naturalization in 1929. Mr. Christoff is employed as a lubricator by the General Motors Transmission Division at Willow Run, Mich., and receives wages amounting to $2.11 an hour. Mrs. Christoff is not employed. Their assets consist of their home which is valued at $13,000 and $6,700 in a savings account.

Senator Pat McNamara, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
March 29, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: We are writing to you concerning S. 3454, a private bill in behalf of Lampros Lazaridis, a Greek child of 11 who has been adopted by his American aunt and uncle.

The boy has for a long time been living in a children's home in Greece. His parents lost their farm through depredations by the Communists during the war, and the ill health of the father makes it impossible for him to support the boy.

The American aunt and uncle, Mr. and Mrs. Lazar Christoff, a childless couple, are eager to take care of their nephew. Due to his ineligibility under the refugee relief program because he is over 10 years of age, a private bill is the only means of overcoming the heavy oversubscription of quota and the long delay involved in awaiting relief through regular immigration channels.

Mr. and Mrs. Christoff have been investigated by the International Institute of Metropolitan Detroit and by the Michigan Children's Aid Society, and approved as an adoptive home for their nephew. Their reports are enclosed.

Also enclosed are the adoption papers covering this child. We are adding a photostatic copy of this document, and ask that when you have examined the original, you return it to us so that we, in turn, may send it back to Mr. Christoff.

In view of the child's age, his separation from his family, and the intense desire and ability of the aunt and uncle to provide the love and the home that this child needs so desperately right now, we hope that your committee will find it possible to take rapid action in this case, in the hope that the family may be united this year. We respectfully urge the child's age and need as deserving of very special consideration.

Sincerely,

PAT MCNAMARA,
United States Senator.

INTERNATIONAL INSTITUTE OF METROPOLITAN DETROIT, INC.,
Detroit, Mich., February 16, 1956.

Re sponsor, Lazar Christoff; visa applicant, Lampros Lazaridis

Mr. PAT MCNAMARA,
United States Senator,
United States Senate, Washington, D. C.

DEAR SENATOR: Thank you for your letter of January 27, 1956. We are pleased to learn about your interest in this case.

In January 1955, Mr. Christoff of 15016 Woodmont, Detroit, Mich., requested our help in bringing his nephew Lampros Lazaridis, an 11-year-old Greek boy, to this country. We were very much impressed by the sincere interest for the boy's welfare. However, Lazaridis was too old to be admitted under section 5. Later, we suggested to Mr. Christoff that he and his wife execute an assurance under section 4 (a) 7. Since the regulations provided that a refugee under 21 years of age can be provided an educational assurance, assurances were executed for national endorsement by the Methodist Committee for Overseas Relief which cooperates with Church World Service.

Because the visa applicant is a minor, Church World Service requires the submission of a letter from a social agency recommending the planning by the assurers for said minor, before an assurance is accepted for national endorsement. Although our agency could have submitted such a statement, in view of the assurers' plan to adopt visa applicant after arrival, and because of his tender age, it was decided to ask a recognized child placing agency to submit the statement. Unfortunately, due to lack of professional staff, a situation existing in many private social agencies in Detroit, it took about 6 months until the agency furnished the statement which turned out to be a complete home study. Such is unnecessary for an educational assurance, but would be required under Michigan laws if the child were to be adopted. By the time we had received the home study, we also received the unhappy announcement that the State Department had closed intake on all assurances for visa applicants under section 4 (a) 7.

Subsequently, the State Department's decision was reversed and the Department is accepting assurances. Unless the visa applicant has, however, been registered with the consulate prior to November 28, 1955, the consuls are instructed not to accept new cases under the said section. It is not known whether Lazaridis was registered for immigration under the Refugee Relief Act. We would like to suggest that you might care to obtain this registration information through the State Department.

Mr. Lazar Christoff was born in Greece on November 5, 1905. He entered the United States in March 1921 and became naturalized on January 14, 1929, in the United States District Court of Detroit, Mich. He has been employed by the General Motors Co. in Detroit as a transmission division automatic checker since May 1952. Like most people of Greek origin he feels strongly about his family ties and is most anxious to adopt Lampros Lazaridis who was so much deprived of the warmth of a home.

Mrs. Bernice Christoff was born on February 19, 1915, in Pennsylvania. She is of Polish descent. The couple were married in Miami, Fla., on February 28, 1949, after both had been divorced from previous childless marriages. It appears that the present marriage is a very happy one. Mrs. Christoff has been employed as a head waitress for about 5 years. She intends to give up the job when Lampros will arrive. She, too, is most anxious to bring the boy to this country and adopt him.

Lampros Lazaridis is 12 years old. He lives in Greece in a children's home, because his father is sick and too poor to take care of him. The home and land, owned by Lampros' father, was razed by the Communists. Because of illness and improverishment Mr. Lazaridis was not able to provide for his family. The soil became so unproductive that the family had to give up their home and moved on to Kastoria.

The boy also is suffering from malnutrition and Mr. and Mrs. Christoff have sent packages and money regularly to their relatives. The adoption of Lampros by the Christoff couple was thoroughly discussed with the parents who realize that they cannot expect to give adequate care to the child and are as anxious to send Lampros to Detroit as the Christoffs are to have him here.

After a careful study of the house of Mr. and Mrs. Christoff, the Michigan Children's Aid Society made the following recommendation:

"It is recommended that this home be accepted for the placement of the child, Lampros Lazaridis. The Christoffs appear to be in every apparent respect stable and responsible, and appear to have the ability to provide emotional security and sincere love for a child."

We also feel that from every point of view it is most desirable to bring the boy to this country and we regret very much the delay in filing the assurance. We believe that the case merits your kind help and we are glad to know that you will take interest in it.

In conclusion:

(1) From the immigration angle of the problem, Lampros will not be able to make use of assurance under the Refugee Relief Act, unless he was registered at the United States consulate in Athens for a visa a good number of months ago. We could obtain the information but the request from your office would doubtless be handled much speedier than one from us.

(2) If Lampros does not have an early enough registration, his entry to the United States would now depend upon private legislation to secure this end.

Please let us know if you want additional information.

Sincerely yours,

WALTER M. BAUM,
Caseworker.

Miss HELEN M. DAY,
Supervisor of Casework.

S. 3585.—The beneficiary is a 23-year-old native and citizen of the Philippines, who presently resides in that country with her mother. The beneficiary's father, a United States citizen, is a retired naval officer, who, while stationed in the Philippines, resided with the beneficiary's mother, for 2 years. He has contributed to the beneficiary's support since birth, including full responsibility for her education. In this connection, the beneficiary graduated from the Santo Tomas University in April 1956. The beneficiary's father is anxious that she be permitted to enter the United States.

A letter, with attached memorandum, dated May 29, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., May 29, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3585) for the relief of Paz Tupas Meeker, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Dallas, Tex., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the alien shall be considered the minor natural-born alien child of a United States citizen.

As a quota immigrant the alien would be chargeable to the quota for the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PAZ TUPAS MEEKER, BENEFICIARY OF S. 3585

Information concerning this case was obtained from Mr. Charles Alton Meeker, alleged father of the beneficiary, Paz Tupas Meeker.

The beneficiary, a Philippine subject, was born on October 3, 1932, in Caridad, Cavite Cavite, Philippine Islands. She is single and has no one dependent upon her for support.

The alien is residing with her mother at 37 Crisine Street, Caridad, Cavite Cavite, Philippine Islands. She graduated from Santo Tomas University at Manila, Philippine Islands, during April 1956 with a degree in education. She is qualified to teach in the Philippine Islands. She has never been employed.

The beneficiary's father was born on April 17, 1905, in Manila, Philippine Islands. He graduated from the United States Naval Academy at Annapolis, Md., on June 6, 1926. He also graduated from St. John's University at Brooklyn, N. Y., in 1935 with a degree in law. He married Sybil F. Meeker, a United States citizen, on June 6, 1926, upon graduation from the Naval Academy. They have five children. Mr. Meeker retired from the United States Navy in 1945, after 21 years of service, with the rank of lieutenant commander, and receives approximately $300 a month retirement pension. In August 1955 Mr. and Mrs. Meeker purchased and are operating a 1,980-acre ranch near Lexington, Okla., valued in excess of $100,000 with an incumbrance of $25,000. Prior to 1955 they were engaged in business enterprises and ranching in Tucumcari, N. Mex.

Mr. Meeker testified that while stationed in the Philippine Islands with the United States Navy he lived with the beneficiary's mother approximately 2 years; that a female child was born of this illicit relationship, of which he acknowledged parentage and has contributed to the beneficiary's support since birth, including full responsibility for her education. He has not seen the beneficiary since infancy.

Senator Robert S. Kerr, the author of the bill, submitted the following letters in support of the bill:

PURCELL, OKLA., *February 29, 1956.*

Hon. ROBERT S. KERR,
Washington, D. C.

DEAR SENATOR KERR: I have a serious personal problem that is troubling me. Many years ago I was in the Navy and stationed in the Philippine Islands as a young officer who just graduated from the United States Naval Academy. I was appointed to Annapolis from Oklahoma, while attending the University of Oklahoma. Both sides of my family have been in Oklahoma for amost 75 years.

While in the Philippines, I had a daughter by a Filipino girl to whom I was never married. It was the same case as has happened thousands of times in every spot of the world where young Americans in the service are stationed. Now, unlike many others who desert their children, creating grave hardship and social problems, I have always supported my daughter and have kept her in school. She will graduate from college in 1 more month, and the girl is a fine person and highly regarded among the Catholic officials there in Manila. * * * Please advise if you could arrange to get a special bill in Congress allowing her to enter the United States. I hate to ask all this, but I want my daughter to come to America and I want to see her.

Many thanks.

Very truly,

C. A. MEEKER.

PURCELL, OKLA., *March 16, 1956.*

Hon. ROBERT S. KERR,
Senate Office Building, Washington, D. C.
(Attention: Mr. Berl Hays.)

DEAR BERL: I find that Mr. C. A. Meeker purchased a ranch about 9 miles east of Purcell in Cleveland County. Mr. Cy Ellinger, president of the First State Bank, Purcell, Okla., has become well acquainted with him and is quite favorably impressed.

He says that it is his understanding that he is a retired naval officer and that he formerly lived in Albuquerque, N. Mex. Mr. Ellinger states that he would recommend him very fully in every respect.

I am fully convinced that Mr. Meeker is a man of good character and unquestioned loyalty from the information I have been able to obtain.

Sincerely,

E. SMITH HESTER.

S. 3735.—The beneficiary is an 11-year-old native and citizen of Italy, who presently resides in Saudi Arabia. The beneficiary was adopted in Italy on August 24, 1954, by Mr. and Mrs. James Martin Powell, who are citizens of the United States. Mr. Powell is presently employed in Dhahran, Saudi Arabia, with the Arabian American Oil Co. Mr. and Mrs. Powell are scheduled to return to the United States in August 1956, and they are anxious that the beneficiary be permitted to accompany them.

A letter, with attached memorandum, dated June 13, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 13, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3735) for the relief of Luciana Papa Powell, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUCIANA PAPA POWELL, BENEFICIARY OF S. 3735

Information concerning this case was obtained from Mr. and Mrs. James Martin Powell, the adoptive parents of the beneficiary.

The beneficiary, Luciana Papa Powell is an 11-year-old child, a native and citizen of Italy, who was born on November 7, 1944. She has never been in the United States. She was adopted in an Italian court on August 24, 1954, by Mr. and Mrs. James Martin Powell, the parties interested in her case. Her natural parents are deceased. She has resided in Saudi Arabia with her adoptive parents since January 1952.

Mr. and Mrs. James Martin Powell are United States citizens. Mr. Powell was born in East Orange, N. J., on March 27, 1906. Mrs. Powell was born in Denver, Colo., on February 17, 1907. They were married in East Orange, N. J., on June 28, 1929. They have stated that this is their only marriage and that they never had any children of their own. Mr. Powell stated that he has been employed by the Arabian American Oil Co. in Dhahran, Saudi Arabia, since 1945, and now receives a salary of $9,060 a year. He and his wife have a bank account of $15,000 and accumulated annuity payments of $7,000.

Mr. Powell also stated that his present tour of duty ends this August and that he and his wife are planning to return to the United States. The American consulate general of Dhahran, Saudi Arabia, has advised Mr. Powell that it is estimated that the beneficiary could not expect to receive a quota number under fourth preference of the Italian quota before 1957.

Mr. Powell served in the United States Army from June 21, 1942, to February 16, 1943. He also served in the United States Marine Corps from September 3, 1943, to August 2, 1944. Both discharges were honorable.

Senator Barry Goldwater, the author of the bill, submitted the following letters in support of the bill:

THE FOREIGN SERVICE,
OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Dhahran, Saudi Arabia, March 26, 1956.

Mr. JAMES M. POWELL,
Care of Aramco, Dhahran, Saudi Arabia.

DEAR MR. POWELL: I would like to summarize the main points of our conversation this morning regarding the status of Luciana Papa, your adopted daughter. At the present time the consulate general can issue her neither a visitor's visa nor an immigrant visa. Although she was registered on the Italian quota waiting list on March 31, 1952, and was granted fourth preference status on October 25, 1955, it is estimated that she could not expect to receive a quota number before 1957. On the other hand, her eligibility to receive a visitor's visa is affected

by your own statement that you do not except to return to Saudi Arabia following your vacation in the United States this summer. The Immigration and Nationality Act specifies that a visitor's visa may be issued only to "an alien * * * having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure" (sec. 101 (a) (15) (B)). Under the existing circumstances, Luciana is thus barred from receiving this type of visa.

On February 28 the consulate general presented the case to the Department of State, requesting the Department's opinion whether she might be issued a visitor's visa as an exception, in view of her age and your personal circumstances. The Department replied that Luciana may not be issued such a visa unless it is established that she is a bona fide nonimmigrant coming temporarily to the United States and having a residence in a foreign country which she has no intention of abandoning.

It therefore appears that unless a change occurs in your prospects of future employment in Saudi Arabia or elsewhere overseas, there remains to you no alternative but to seek the passage of a private bill in Congress allowing your adopted daughter to enter the United States with you upon the termination of your employment with the Arabian American Oil Co. This procedure would become unnecessary if during the next few months you were to receive definite assurance of continued employment with Aramco, and could thus produce satisfactory evidence that you will return with Luciana to Saudi Arabia following your vacation in the United States.

If you decide to approach a Senator or Congressman with a request that he introduce a private bill on Luciana's behalf, you should be prepared to submit certified copies of her birth certificate and her complete adoption papers, as well as your own certificate of marriage and such papers as pertain to the dissolution of any previous marriages. I believe that these documents would represent the minimum likely to be called for by the Congressman or Senator who handles Luciana's case.

I sincerely regret that my duty requires that I be the bearer of unfortunate news to you and Mrs. Powell. Please be assured of the consulate general's wish to provide all appropriate assistance in enabling you and your family to travel together to the United States this summer.

Very truly yours,

JAMES D. FARRELL,
American Vice Consul,
(For the Consul General).

MARCH 30, 1956.

DEAR MR. PYLE: First, I should like to introduce myself as many years have elapsed since we met. Following her father's demise, my wife Camille and I took up residency in Phoenix (1930–36) to administer the estate. We reside at, and were owners of, the Antique Apartments on Seventh and Fillmore Streets. Perhaps you may recall who I am through my more familiar nickname of "Blackie."

It was during this period that we made the acquaintance of such wonderful persons as Bud Williams, Brick Miller, and Andy Anderson

of KTAR, Joseph Jenckes, Major Strange, Charlie Becker, Fred and many others. Of course, we were doubly thrilled and delighted at the time you were elected Governor and when Barry Goldwater became a Senator. We avidly follow news items referring to activities of you both.

Realizing that you are an extremely busy person, particularly during this election year, I shall make this as brief and concise as possible.

Following a "hitch" in the Marine Corps during World War II, I have been in the employ of Aramco in Saudi Arabia for the past 11 years. As Camille and I are childless, it was our most wonderful good fortune to discover and adopt an Italian girl orphan, 7 years of age. Since this was accomplished through the Rome Tribunal, it involved considerable. Dr. Thomas Woodman of Phoenix assisted by furnishing some required documentary evidence.

Our adopted daughter, Penny, has now been in the field with us since January 1952 on an Italian tourist passport renewable annually. United States citizenship was applied for at our consulate at the time of arrival under her original name Luciana Papa and the Department of Justice has assigned visa petition No. VP–4–I–24477. The consulate has recently advised us that she is listed as "fourth preference" and due to the overcrowded Italian quota they cannot hazard a guess as to the length of time it will be before she obtains a quota number.

The current unstable position of Americans in this area, in addition to an accelerated company policy of job replacements by nationals, has placed our future in a precarious position—but of more importance it has jeopardized the long-awaited citizenship of Penny.

Unfortunately, the consulate neglected to inform us until recently about the possibility of admittance under the Refugee Relief Act which would have permitted us to apply before Penny reached the age of 10.

My present tour of duty ends this August with no prospective work, at this writing, to return to following stateside leave. The attached photostat copy of a memo from the consulate indicates the dilemma we now find ourselves in. The vice consul has recommended that we appeal to our Congressmen, or Senators, for introduction of a private bill on Penny's behalf. As we have been away from the States so long, Mr. Pyle, we have no Congressmen or Senators to appeal to and are turning to you and your good offices to petition on her behalf. We earnestly beseech you and Senator Barry Goldwater to assist us in obtaining citizenship to the best country in the world for our Penny who is thoroughly Americanized and endeared to our small community.

Please take our entreaty under your immediate advisement and inform us at your earliest opportunity (via airmail) of the possibilities for changing her status, and if you desire any additional information.

Yours very truly,

JAMES M. POWELL,
Care of Arabian American Oil Co.,
Dhahran, Saudi Arabia.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 616), as amended, should be enacted.

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Calendar No. 2329

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2305

EVANGELOS DEMETRE KARGIOTIS

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2272]

The Committee on the Judiciary, to which was referred the bill (S. 2272) for the relief of Evangelos Demetre Kargiotis, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Evangelos Demetre Kargiotis. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 24-year-old native and citizen of Greece who now claims to be stateless. He entered the United States June 4, 1952, at New York, N. Y. as a student. By serving in the United States Armed Forces for 2 years, he has forfeited his Greek citizenship. He is unmarried and is presently residing with an uncle in Cleveland, Ohio, who is a naturalized citizen of the United States.

A letter, with attached memorandum, dated December 9, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 9, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2272) for the relief of Evangelos Demetre Kargiotis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cleveland, Ohio, office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota

The beneficiary is chargeable to the quota for Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EVANGELOS DEMETRE KARGIOTIS, BENEFICIARY OF S. 2272

The beneficiary, who was born on April 11, 1932, is a native and citizen of Greece. He is unmarried, unemployed and resides 3682 Warren Road, Cleveland, Ohio.

Mr. Kargiotis registered for a full-time program of education at Fenn College, Cleveland, Ohio for the summer quarter of 1954–55, and on May 24, 1955, he began attending these courses. The beneficiary was a student in the School of Engineering at Fenn College from September 12, 1952, through April 10, 1953, at which time he was inducted into the United States Army.

The beneficiary disclaims any notable assets and testifies he is now attending college under the benefits accorded veterans of the Armed Forces of the United States. His parents and two sisters reside in Greece and are natives and citizens of that country. Mr. Kargiotis resides in Cleveland, Ohio with his uncle, George Rallis, a United States citizen by naturalization. The beneficiary has no one dependent upon him for support. Prior to his entry into the United States, he had resided only in Greece.

Mr. Kargiotis arrived in the United States on June 4, 1952, New York, N. Y. on the steamship *Nea Hellas*, and was admitted as a student for a period to expire March 10, 1953. An application for an extension of the period of his temporary admission was received by this Service on April 2, 1953. No action was taken on this application as it was held in abeyance pending revalidation of his passport. The beneficiary was inducted into the United States Army on April 21, 1953, and served until April 5, 1955, at which time he was honorably discharged with the rank of corporal. A second application to extend his time of temporary stay in the United

States was received from Mr. Kargiotis by this Service on June 9, 1955, stating that he wished to continue his course of studies which was interrupted because of his being drafted into the United States Army, but his request was not acted upon because he had evidenced his desire to remain in the United States permanently.

The beneficiary was notified on July 18, 1955, that his non-immigrant status was deemed terminated and that a period of 30 days in which to depart voluntarily from the United States was being granted. Deportation proceedings were instituted against him on August 25, 1955, on the charge that, after admission into the United States as a student, he failed to comply with the conditions of such status. He was accorded a hearing on this charge on September 22, 1955, and was found to be subject to deportation on the charge stated in the warrant of arrest. Voluntary departure has been authorized.

Senator George H. Bender, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
June 2, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Senate Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: I am sending you herewith supporting evidence in behalf of my bill, S. 2272, for Mr. Evangelos Demetre Kargiotis, which I should appreciate your considering at your earliest convenience.

Mr. Kargiotis, as you will note, served with our Armed Forces for some 2 years, which service, I hope, will aid him in remaining in the United States. His case is presently pending before the Board of Immigration Appeals. Consequently, the most expeditious possible action on my bill would seem most desirable.

With my thanks for any help you may give me in this connection, I am

Cordially yours,

GEORGE H. BENDER,
United States Senator.

HISTORY OF EVANGELOS DEMETRE KARGIOTIS AKA EVAN D. KARGIOTIS

The above named party was born in Athens, Greece from parents of good character. He received a full education, having graduated from the Greek high school. Having received a high school education, he was anxious to come to the United States for college purposes, and received aid from his uncle in the United States to come here and attend Fenn College in Cleveland, Ohio.

While a student at Fenn College, having entered June 22, 1952, in accordance with our laws, he registered under the Selective Service Act, and on April 21, 1953, he was drafted into the United States Army. He received an honorable discharge from the United States Army April 5, 1955.

Due to technicalities in the immigration laws, and under the assumption he could obtain citizenship through his military record, he was informed that since he had not resided in the United States for a total of 12 full months prior to his being drafted, or served in the military service for a total of 3 full years, he was not eligible for citizenship. The above party resided in the United States for a total period of 11 full months.

The Immigration Department has advised however, he fill out the necessary forms and have a hearing, but was refused due to these circumstances and was not eligible to remain in the United States. They have advised that he would have to leave the United States and reenter legally which would, at this time, be impossible to do. He is eligible, as a student, presumably, to receive an extension of time in order to complete his studies, at which time, he would depart from the United States.

The above party is of good parental backing, has an excellent education, has been active in the Armed Forces of the United States and at this time, a student in good standing at Fenn College.

At the present time, he is residing with his uncle, who assisted him in coming to the United States, being one, George Rallis, of 3682 Warren Road, Cleveland, Ohio; who has been a citizen of the United States for many years; he is a very successful businessman; and active in numerous philanthropic activities.

According to Greek law, since having served in the military service of the United States, and promising to defend the United States, he has automatically lost his rights as a Greek citizen.

Respectfully submitted.

SAM C. MYLENAR.

The committee. after consideration of all the facts in the case, is of the opinion that the bill (S. 2272) should be enacted.

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Calendar No. 2330

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2306

HASAN MUHAMMAD TIRO

JUNE 25 (Legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2644]

The Committee on the Judiciary, to which was referred the bill (S. 2644) for the relief of Hasan Muhammad Tiro, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Hasan Muhammad Tiro. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 30-year-old native and citizen of Indonesia who entered the United States at New York on June 7, 1950, as a visitor for business. His status was subsequently changed to that of an accredited Government official when he was hired by the Indonesian Embassy to head their research department. Meanwhile, Indonesia had become increasingly friendly to the Communists and many Communists had infiltrated that Government. In 1954 the beneficiary resigned his position because he was anti-Communist. It is stated that he has been a stalwart fighter against communism.

A letter, with attached memorandum, dated March 6, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., March 4, 1954.

CHAIRMAN, COMMITTEE ON THE JUDICIARY,
United States Senate,
Washington 25, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2644) for the relief of Hasan Muhammad Tiro, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Indonesia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HASAN MUHAMMAD TIRO BENEFICIARY OF S. 2644

The beneficiary, Hasan Muhammad Tiro, also known as Hasan Mohammad Tiro, is a native and citizen of Indonesia, born September 4, 1925, at Kutaradja, Atjeh. He is single and resides at 508 West 166th Street, New York, N. Y.

Mr. Tiro received his bachelor of arts degree from the Moslem University of Java in 1950. He is self-employed as a translator for Twentieth Century Fox Film Co. and R. K. O., and has an income of approximately $250 to $300 per month. He was previously employed from 1950 to 1954 as head of research of information, Embassy of Indonesia. His assets consist of $5,000 in the Chase Manhattan Bank of New York and $1,500 in personal effects. His only close relatives are his mother, brother, and three sisters, who reside in Atjeh, Indonesia. He is Minister Plenipotentiary of the Islamic Republic of Indonesia, a de facto government, registered with the Foreign Agents Registration Section, Department of Justice.

The beneficiary's only entry into the United States occurred at the port of New York on June 7, 1950, at which time he was admitted as a visitor for business, his status having subsequently been changed to that of an accredited Government official. Deportation proceedings were instituted upon the issuance of a warrant of arrest on September 24, 1954, on the grounds that he failed to comply with the conditions of his nonimmigrant status. He was accorded a hearing at which time voluntary departure was authorized with an alternate order of deportation in the event he failed to effect voluntary departure. On May 13, 1955, his ap-

plication for permanent residence under section 6 of the Refugee Relief Act of 1953 was denied for the reason that he is able to return to the country of his last residence.

Senator Herman Welker and Senator William E. Jenner, coauthors of the bill, have submitted the following information in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
June 7, 1956.

Hon. JAMES O. EASTLAND,
United States Senate,
Washington, D. C.

DEAR SENATOR: Mr. Muhammad Tiro came to me very well recommended by staunch anti-Communists. We have talked with him, and found him well-informed and most helpful in supplying us with information from local and other sources about anti-Communist movements in Asia.

Mr. Tiro is eager to work actively in the efforts to bar Communist advance. I believe that if Mr. Tiro is not given the protection provided in this bill (S. 2644) he will be sent back to Indonesia and run serious risk of imprisonment or even death. We have great need of accurate information from Asia about anti-Communist activities, and I am sure we shall need more in the near future.

Sincerely yours,

WILLIAM E. JENNER.

Tiro seems to be a good man and I concur—BOB.
But send to Fred Mesmer.—BOB.

UNITED STATES SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
June 7, 1956.

In re Hasan Muhammad Tiro (S. 2644)

Mr. DRURY BLAIR,
Senate Immigration Subcommittee,
United States Senate, Washington, D. C.

DEAR MR. DRURY: Mr. Muhammad Tiro of 508 West 166th Street, New York, N. Y., came to see me, with the best of recommendations from Bishop Yu-pin of free China, who is constantly at work seeking to strengthen the anti-Communist forces in Asia and to link them with anti-Communist forces in the United States.

I have checked Mr. Tiro's connections and he has the best of references from other active and well-informed anti-Communist workers, including Calvin Bertolette, of Telefacts Foundation.

Mr. Tiro was I believe a member of the staff of the Indonesian Embassy. He came to the conclusion that the present Government of Indonesia was unalterably pro-Communist. He thereupon left the Embassy service and the State Department took up his diplomatic passport. He will be in immediate danger of deportation, and of possible imprisonment and death, unless he can obtain permanent residence here.

I have heard no derogative comments about Mr. Tiro. I have heard many good things about him. My own impressions of his sincerity, his political beliefs, his zeal and general trustworthiness are most favorable.

Sincerely yours,

EDNA LONIGAN,
Legislative Assistant to Senator William E. Jenner.

NEW YORK, N. Y., *June 11, 1956.*

Hon. WILLIAM JENNER,
Senate Office Building,
Washington, D. C.

DEAR SIR: I am enclosing herewith a summary of the reasons why I respectfully ask that Senate bill No. 2644 introduced by Senator Welker and Senator Jenner on July 27, 1955, be given favorable consideration by the Judiciary Committee. It is essential that this bill be passed before Congress adjourns if we are to afford political asylum of Hasan Muhammad Tiro.

I have recently undertaken to represent the alien and am personally convinced that this bill should be passed to afford relief to a person who is worthy of such relief. In addition, I might add that I am convinced that the anti-Communist cause in this country, and on a worldwide basis, would be strengthened by positive action in giving asylum to Mr. Tiro.

I look forward to an early reply from you.

Thank you for your courtesy.

Very truly yours,

BELLA V. DODD,
Counselor at Law.

REPORT RE BILL NO. 2644 INTRODUCED BY SENATOR WELKER AND SENATOR JENNER ON JULY 27, 1955

The bill relates to an alien by the name of Hasan Muhammad Tiro, an Indonesian citizen 30 years of age.

THE FACTS

The alien entered the United States on June 7, 1950, as a visitor. He was recognized as an accredited official of the Indonesian Government from April 30, 1951, to September 1, 1954. His work as an official of the Indonesian Government was as head of the research department of the Embassy.

On September 1, 1954, he resigned from his post in protest against Indonesia's lenient and submissive attitude toward communism and Communists. The alien issued a documented report criticizing this collaboration with the Communists.

Immediately thereafter the Indonesian Government withdrew Mr. Tiro's passport and other credentials and ordered him to return home. In fear of persecution by his Government and the Communists represented within his Government, Mr. Tiro refused to return to Indonesia. That his fears were well grounded is supported by the fact that the Indonesian Communist Party placed a price on his head and threatened his annihilation. The representatives of the Indonesian

Government carried out the Communist Party's threats against Mr. Tiro by destroying his ancestral home and persecuting members of his family.

Mr. Tiro sought to obtain permission to remain in this country. Deportation proceedings were instituted against him on September 28, 1954. Following a hearing on October 1, 1954, he was granted the privilege of voluntary departure. Mr. Tiro then applied for adjustment of his status under the Refugee Act of 1953 on the ground that he could not return to Indonesia fearing persecution because of his political opinions. The hearing officer rejected his application on the grounds that "Indonesia is a friendly power and is not a Communist Government." This decision was affirmed by the regional commissioner in Burlington, Vt.

THE ACTIVITIES OF THE ALIEN SINCE 1954

The alien has written extensively exposing the march of communism in Asia and his material has been published in such outstanding papers and magazines as U. S. News & World Report, the New York Times, the New Leader, the New York Post and Vital Speeches. These articles have been published, not only in the United States, but in the remainder of the free world. He has utilized his ability as a scholar in the fight against communism.

The alien is at present a registered student at both Columbia and Fordham Universities where he is working toward the degree of doctor of philosophy.

REASONS FOR GRANTING POLITICAL ASYLUM TO THE ALIEN

While it is true that Indonesia is not yet formally a Communist Government, we are keenly aware that there has been persistent encouragement of Communists and their sympathizers in the Government. These forces oppose any antitotalitarian, political or social movement. The situation in Indonesia is similar to the situation in Czecholovakia before the seizure of power by the Communists. Communists hold many key positions in the policymaking divisions of the Government and can at a strategic moment move toward complete seizure of power as they did in China.

Mr. Tiro and his family have been recognized as having been continuously opposed to the extension of Communist power.

To send this young man back to his country at this time is tantamount to endangering his life by surrendering him to the evil forces that are establishing control over so much of Asia.

There is no reason why political asylum should not be granted to Mr. Tiro even though the United States recognizes the Government of Indonesia and maintains diplomatic relations with it. For many years the Immigration Service has recognized that relief should be given to political refugees of Yugoslavia even though the United States maintained diplomatic, financial, and military relations with that country. There are numerous cases in which relief has been extended.

The case for asylum for Mr. Tiro is based upon accepted American principles of political asylum. The deportation of Mr. Tiro would be a signal to the anti-Communists everywhere in the world, particu-

larly in Asia, that the humanitarian principle of political asylum is no longer an accepted American principle. When it was last announced that Mr. Tiro was to be deported there was considerable interest manifested in various Asian countries and the anti-Communists in India made a special appeal for the safety of Mr. Tiro.

We should reassure those anti-Communists who are struggling against overwhelming odds in Asia, that America is still concerned about the problems facing those who oppose the spread of communism.

Respectfully submitted.

BELLA V. DODD,
Attorney at Law, 100 West 42d Street, New York City.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2644) should be enacted.

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Calendar No. 2331

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2307

FETHI HEPCAKICI

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2761]

The Committee on the Judiciary, to which was referred the bill (S. 2761) for the relief of Fethi Hepcakici, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Fethi Hepcakici. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of Turkey who entered the United States on July 29, 1955, at New York, N. Y. as a visitor. He is now living in Butte, Mont. and his wife and parents reside in Turkey. Information is to the effect that the beneficiary was a member of a Turkish military unit which went to Korea to support the U. N. He became a prisoner of war and while in prison camp became acquainted with several American soldiers. Two of these soldiers have testified that the beneficiary was instrumental in saving their lives. He is presently living with the parents of one of these soldiers. The Butte chapter of the American Disabled Veterans has passed a resolution urging Congress to give recognition to his service to Americans and to grant him the right to remain in the United States.

A letter, with attached memorandum, dated May 28, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 28, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bills (S. 2761 and S. 3049) for the relief of Fethi Hepcakici or Fethi Hep Cakici, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Helena, Mont., office of this Service, which has custody of those files. According to the records of this Service, the correct name of the beneficiary is Fethi Hepcakici.

The bills would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. They would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Turkey.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FETHI HEPCAKICI OR FETHI HEP CAKICI, BENEFICIARY OF S. 2761 AND S. 3047

The beneficiary, Fethi Hepcakici, also known as Fethi Hep Cakici, a native and citizen of Turkey, was born on October 10, 1929, He is married to a native and citizen of Turkey. He resides at 927 Chicago Street, Butte, Mont.

The beneficiary is not employed. He completed 5 years of elementary school and 3 years of junior high school in Turkey. He has no assets. His wife and parents reside in Turkey. He was previously employed by his father, a tobacco broker.

The beneficiary entered the United States as a visitor at New York, N. Y., on Julv 29, 1955. An extension of stay to January 27, 1956, was authorized. Deportation proceedings were instituted against him on April 6, 1956, on the ground that he had failed to comply with his visitor status. A hearing has not as yet been held. Mr. Hepcackici is also the beneficiary of H. R. 8061, 84th Congress.

The beneficiary has stated that he served in the Turkish Army from December 15, 1949, to October 20, 1953. In connection with such service he was in Korea from October 1950, to August 1953. He was, however, a prisoner of war during the greater portion of this period. He is not registered under the Universal Military Training and Service Act.

The beneficiary initially testified before an officer of this Service that he was never married. He subsequently

testified he was married in Turkey on April 1, 1955, and that he wilfully gave false testimony regarding his marital status to the American consul at Izmir, Turkey, on July 6, 1955, in the belief that the consul would not give him a visitor's permit if he revealed his true marital status.

Senator Mike Mansfield and Senator James E. Murray, the authors of the bill, have submitted numerous letters and documents in connection with the case, among which are the following:

BUTTE, MONT., *December 6, 1955.*

DEAR SENATOR MANSFIELD: I am anxious to let you know I am interested in the effort of Mr. Fethi Hepcokici to obtain a chance to become an American citizen. He wants to join our United States Army just as soon as he can, realizing that in so doing he can finish his schooling and become a full citizen sooner. He is going to make his home here with me until his case has been decided. I think him an outstanding boy and do believe he would be a good soldier and citizen as he has proven himself with our American prisoners of war in Korea. Kindly let me know if I can do anything further in his behalf. You have all the facts about his case I believe. His extended visa expires January 27, 1956. Do hope favorable action is taken in his case. My son, Sgt. Lyle W. Jacobson, Recruiting Service, Miles City, Mont., was with this lad in prisoner of war camp in Korea. Please let me help in this matter if I can.

Yours truly,

J. A. JACOBSON.

927 CHICAGO STREET, BUTTE, MONT.

P. S.: This lad speaks the English language.

MILES CITY, MONT., *October 7, 1955.*

Senator MIKE MANSFIELD, Esq.,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MANSFIELD: I am writing this in hopes that you can assist me in helping a former Korean prisoner of war to become a United States citizen.

As to myself, I am a native Montanan, born and raised in Butte, Mont. I am a veteran of the Korean war and still in the service of my country, now stationed as an Army recruiter at Miles City, Mont.

During the Korean war, I had the misfortune of being taken a prisoner of the North Koreans in November 1950 and held captive until August 1953. At the time I was taken prisoner, I was reported "Missing in action" to my parents, living in Butte. I believe at the time you received several letters from my parents pertaining to my being missing.

During my period of imprisonment I became very closely acquainted with Fethi Hepcakici, of Ismir, Turkey, who was also held a prisoner. It is Mr. Hepcakici that wishes to become an American citizen.

On more than one occasion Mr. Hepcakici stole across guard lines from the Turkish compound into the American sector, and it was through his efforts that I was able to remain alive. He stole and scrounged food which he shared with me, when I was nearing death

from hunger. Together, we planned escape several times but our plans were disclosed to the North Koreans and naturally we both suffered severe punishment for our efforts.

My problem is this: Mr. Hepcakici is now in the United States as a visitor. His visitor's visa was extended from a 2 weeks' visit to 3 months. He arrived in the United States July 27, 1955, and was scheduled to return to his homeland October 27, 1955. He has applied for another extension of 3 months.

He has expressed a desire to remain in the United States and become a citizen and I feel that he would be an asset as a citizen, to the United States. He also expressed a willingness to enlist in the Armed Forces of the United States, but cannot do so until he has procured first papers, and he cannot procure the papers until he has been admitted under an immigration quota.

Is there any way in which a special permit can be obtained from the Immigration Department and moreover, can he secure an additional extension of time until such time when a final decision has been reached in his case?

I believe that I can locate several of our American boys who were with myself and Fethi Hepcakici at prison camp No. 5, at Pykotong, who will subsribe to this petition.

Mr. Hepcakici is presently in Montana and should you desire any additional information, I will be ready and able to forward it to you immediately.

I have heard of Senator Lodge's bill pertaining to aliens entry into the Armed Forces and an wondering if he too, could help us in this matter.

Trusting that you can advise me on the proper procedure to follow, I await an early reply.

Sincerely,

Sgt. LYLE JACOBSEN,
Serial No. RA19350277,
United States Army Recruiting Station.

GOLD HILL EVANGELICAL LUTHERAN CHURCH,
Butte, Mont., December 2, 1955.

Senator MIKE MANSFIELD,
Washington, D. C.

DEAR SENATOR MANSFIELD: I am writing this letter to you at the request of Mr. J. A. Jacobson of this city (937 Chicago Avenue, Butte, Mont.), who is presently seeking your help in assisting Mr. Fethi Hep Cakici to obtain legislative action to permit him to stay in this country and become an American citizen. Mr. Jacobson is the father of Lyle Jacobson, whom, you may remember, is one of the few Montana boys and the only one from Silver Bow County who is a returned POW from Korea. Mr. Cakici and Lyle Jacobson were associated together in the POW camp in such a way that they became intimately acquainted and deeply interested in each other's welfare. Lyle Jacobson and his father are now seeking to help this young man to establish his citizenship here in this country.

My letter now concerns itself with a testimony to the fact that Mr. J. A. Jacobson is completely to be relied upon in respect to his

character, word, and integrity. I have known Mr. Jacobson for some 6 years and can make a complete and unreserved recommendation of this man to you as one that you can completely trust. He is earnest and sincere in seeking to help this young man with his problem. He is completely acquainted with the intimate details of the whole matter and is in position to make the kind of recommendations that he does for Mr. Cakici. I hope that you will do everything at your command to help him as he seeks to help Mr. Cakici. As I understand the matter, a bill will have to be introduced in Congress making it possible for Mr. Cakici to remain in this country and giving him opportunity to enlist in our Armed Forces, thus opening the way for him to obtain citizenship in due time. I am sure that you are in a position to take such action as is needed in this matter.

I have personally met this young Turkish man, Mr. Cakici, and would like to ask you on my own behalf to give his case such consideration as is in keeping with our great American tradition. I am thankful that our country is such that these particular cases can be assured of sympathetic treatment by our duly elected representatives.

If I can be of further help to you please feel free to call upon me. I may add that this young man, Mr. Cakici, has been taken into the home of Mr. J. A. Jacobson and will be living with him here in Butte until such time as this matter has been disposed of by forthcoming action. As you already know, Mr. Cakici's visa renewal will be up January 27, 1956; this is his last renewal privilege so we can only trust that favorable action can be taken before that time.

I would appreciate hearing from you on this matter and sincerely hope that you in your responsible office may be able to help.

Sincerely,

FRED D. DOMMER, *Pastor.*

IMMACULATE CONCEPTION RECTORY,
Butte, Mont., December 1, 1955.

Hon. JAMES E. MURRAY,
Hon. MIKE MANSFIELD,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Within the past week Sgt. Lyle W. Jacobson, very well known at our rectory, currently on duty at Miles City, called on the writer in the company of Mr. Fethi Hepcakici, a Turkish national, whose unhappy plight sometime in October was brought to your notice. These two young men were prisoners of war together in North Korea. Fethi, Sergeant Jacobson narrates, even risked his life to be of assistance to American soldiers, then prisoners in the same camp 5. Sergeant Jacobson is a man whom we hold in the highest regard. Fethi, speaking in English, produced an impression of the greatest sincerity, and I could not help liking the young man. My interest was solicited also by Mr. Fred N. Hoover, of Clarke, Stone & Hoover, attorneys, Seattle. Mr. Hoover is an old student of mine at the University of Notre Dame and I gather he has been a volunteer attorney for Fethi.

What is particularly unhappy about this case is that under the hard circumstances some Americans in camp encouraged Fethi to come to the United States, promising aid and probably assuring great ease of entrance into our country not under any quota. My impression

is that once Fethi had entered the country, he found that his friends "ran out on him," as far as practical aid is concerned. A great evidence of Sergeant Jacobson's abiding friendship and loyalty is found in the fact that he now resides with Sergeant Jacobson's parents at 927 Chicago Street in Butte.

I am sure that these facts move us all very deeply. Please to accept my regard and appreciation. With sentiments of respect, my dear Senator,

Sincerely yours,

Rt. Rev. Msgr. NORBERT C. HOFF.

RESOLUTION

Whereas the members of Butte Chapter No. 6, Disabled American Veterans, have become personally acquainted with, and view with affectionate regard, Fethi Hepcakici, a Turkish national, an ex-prisoner of war, and distinguished veteran of the Turkish Army in the Korean war; and,

Whereas the said Fethi Hepcakici, 676 Sokok No. 4, Izmir, Turkey (now temporarily sojourning at 927 Chicago Street, Butte, Mont.) is desirous of becoming a citizen of the United States of America: Now, therefore, be it

Resolved by Butte Chapter No. 6, Disabled American Veterans, That our Senators and Representatives in Congress be urged to lend their assistance to the efforts of Comrade Hepcakici to become a citizen of these United States; further

Resolved, That copies of this resolution be forwarded to our Senators and Representatives in Congress.

Above and foregoing resolution duly passed and adopted at a regular meeting of the chapter held Sunday, October 2, 1955, at the YMCA, Butte, Mont.

WILLIAM O. GILBERT, *Commander.*

Senator Warren G. Magnuson has introduced in the Senate S. 3049 for the relief of the same beneficiary. Inasmuch as the committee is reporting the instant bill favorably, the bill S. 3049 will be indefinitely postponed.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2761) should be enacted.

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Calendar No. 2332

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2308

MAX MAZAK TERIAN AND HIS WIFE, MARIA TERIAN

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2803]

The Committee on the Judiciary, to which was referred the bill (S. 2803) for the relief of Max Mazak Terian and his wife, Maria Terian having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Max Mazak Terian and his wife, Maria Terian. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 34-year-old husband and his 29-year-old wife, natives and citizens of Russia. They entered the United States for permanent residence on September 17, 1949, as displaced persons. They had both falsified their applications by concealing their true birthplaces and nationalities. They and their two children, aged 9 and 7 who were born in Germany, reside in Detroit, Mich., where the male beneficiary is employed as a machinist by the Ford Motor Co.

A letter, with attached memorandum, dated April 27, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 27, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2803) for the relief of Max Mazak Terian and his wife, Maria Terian, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It would also direct that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota for the Union of Soviet Socialist Republics.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MAX MAZAK TERIAN AND HIS WIFE, MARIA TERIAN, BENEFICIARIES OF S. 2803

The beneficiaries, Max Mazak Terian and Maria Terian, ages 34 and 29, respectively, are husband and wife. Both are natives and citizens of Russia. Their two children, ages 9 and 7, were born in Germany, and reside with the beneficiaries at 13667 Mecca Street, Detroit, Mich.

Mr. Terian is employed as a machinist by the Ford Motor Co. at Livonia, Mich., and earns $2.31 an hour. Mrs. Terian is not employed. Their joint assets consist of personal property valued at $1,000 and a $1,000 equity in their house which was purchased for $13,400. Mr. Terian attended school for 10 years and his wife attended for 6 years in their native country.

The beneficiaries entered the United States for permanent residence at New York, N. Y., on September 17, 1949. However, the visas they presented were not valid because they had falsified their applications by concealing their true birthplaces and nationalities. They last entered the United States at Detroit, Mich., on August 15, 1954, after a short visit to Canada. Warrants for their arrest in deportation proceedings were issued on March 16, 1955, on the grounds that they had entered the United States without valid immigrant visas or other entry documents. They were ordered deported on the above stated grounds on August 9, 1955.

Mr. Terian served in the Army of Russia from 1939 until he was wounded and captured by the Germans in 1942. He is not required to be registered under the Universal Military Training and Service Act.

Senator Charles E. Potter, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
Washington, D. C., March 13, 1956.

Re S. 2803, Max and Maria Terian.

Hon. JAMES O. EASTLAND,
Chairman, Senate Committee on the Judiciary,
Washington, D. C.

MY DEAR MR. CHAIRMAN: Herewith background information on Max and Maria Terian, the beneficiaries of the subject relief bill.

To determine whether private legislation for the Terians may be warranted and that no administrative relief was available, I solicited a report from the district director, Immigration and Naturalization Service, Detroit, Mich. This report dated September 9, 1955, is attached.

Submitted also is a most sincere letter from Mr. Terian in which he explains that it was because of fear for their lives neither he nor Mrs. Terian revealed their true nationality when, as refugees, they applied for visas to our Stuttgart consul. The Terians have two children, born in Germany, neither of whom are under proceedings.

I wish to stress the statement of the district immigration office; namely, that neither Mr. nor Mrs. Terian has a criminal record, neither has evidenced disloyalty to our country and that if deported by us they will be without a country since they are escapees from behind the Iron Curtain.

It is my hope your committee will share my firm conviction that the gates of freedom and the blessings of America should not be denied these young parents simply because, for fear of their lives, they did not reveal the country of their birth at the time they filed for entry into the United States.

I petition the committee for favorable action on S. 2803 in sufficient time to permit the House to act prior to the adjournment of this Congress.

Sincerely yours,

CHARLES E. POTTER,
United States Senate.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Detroit, Mich., September 9, 1955.

Hon. CHARLES E. POTTER,
United States Senate,
Washington, D. C.

MY DEAR SENATOR POTTER: This will acknowledge receipt of your correspondence of August 30, 1955 wherein you request a complete case history of Max M. Terian and his wife, Maria.

The above married couple arrived in the United States on the U. S. A. T. *General E. H. Muir* at New York City, N. Y., on September 17, 1949, and were admitted for permanent residence under Public Law 774 as displaced persons. They last entered the United States on August 15, 1954, at which time they were returning from a short

visit to Canada. They were admitted at that time upon the presentation of their Alien Registration Forms I–151. These forms served as border-crossing cards when valid.

At the time of their original admission at New York, Mr. Terian presented an unexpired Iranian quota visa issued by the United States vice consul at Stuttgart, Germany, on August 18, 1949, under section 6 (b) of Public Law 774. The passport requirements were waived by the Secretary of State on September 28, 1948. In his application for this immigration visa subscribed and sworn to before the vice consul, Mr. Terian set forth that he was born August 17, 1921, at Teheran, Iran, and was of Iranian nationality. He submitted with his application for visa an affidavit sworn to by him before a notary public in Stuttgart, Germany, on May 31, 1946. This affidavit also set forth that he was born on August 17, 1921, in Teheran, Persia.

The subject's wife, Maria, at the time of her original entry presented an unexpired Bulgarian quota visa issued by the vice consul at Stuttgart on August 18, 1949. Her visa was also issued under section 6 (b) of Public Law 774 and was issued on the basis of her application which set forth that she was born April 20, 1927, at Philipopol, Bulgaria.

On October 28, 1954, while being examined by a naturalization examiner at Detroit, preliminary to the filing of petitions for naturalization, the subjects admitted that they had misinformed the American consul in Stuttgart regarding their birthplaces. Mr. Terian admitted that he is actually a native of Erevan, Armenia, Russia, born August 17, 1921; of Russian nationality and of the Armenian race. His wife admitted that she was born in Preslav, Zaparozskoi, Russia, and that she is a national of the U. S. S. R. and of the Bulgarian race.

Mr. Terian in a sworn statement to this Service admitted that he had served in the Soviet Army from 1939 to 1941, at which time he was captured by the German Army. He was held as a prisoner of war in Germany until 1945 when he was liberated by the Allied forces. He has alleged that his service in the Soviet Army was compulsory; that he has no sympathy whatsoever with the Communist doctrines, and that his father was exiled to Siberia in 1926 by the Communist government in Armenia. He has indicated a willingness to serve in the Armed Forces of the United States against Russia in the event of hostilities between the two countries.

The parents of both Mr. and Mrs. Terian are dead. The fathers of each died in prison as political prisoners of the Communists. Neither of the subjects has a criminal record and there is no evidence of disloyalty to the United States.

Mr. and Mrs. Terian entered the United States on September 17, 1949 in violation of section 13 (a) of the Immigration Act of May 26, 1924 as they were not of the nationality specified in their immigration visas. Because of this they were not lawfully admitted and the forms I–151 which they presented at the time of their last entry at Detroit on August 15, 1954, were invalid documents. Both subjects have been ordered deported on documentary grounds. Their children both of which were born in Germany are not under proceedings. Both Mr. and Mrs. Terian have expressed a fear of persecution should they be returned to their native lands. It is believed that it was because of this fear that both subjects originally falsified their

visa applications. Mr. Terian is presently employed as a screw-machine operator in a local factory and is the sole support of his wife and children.

Very truly yours,

T. R. MARTINEZ,
Acting, District Director.

DETROIT, MICH., *March 7, 1956.*

Hon. CHARLES E. POTTER,
United States Senator,
Washington, D. C.

DEAR SENATOR POTTER: I am very grateful to you for introducing on behalf of my wife and myself private bill S. 2803 to give us permanent residence in the United States. At the present time we are subject to deportation due to illegal entry. However, should we be returned to our native country we would most certainly be persecuted.

I was born in Armenia. In 1926, when I was a boy of 5, my father was taken by the Russians to a prison camp in Siberia because of his activity with the Armenian revolutionists. He died in prison in 1940. In 1939 I was drafted into the Russian Army and served until 1941 when I was taken as a wounded prisoner by the Germans and held in various German prison camps until 1945 when the Allies came into Germany.

At that time I was sent to a Russian repatriation camp at Dalmenhurst, Bremen. I escaped from the Russian camp and entered a Polish displaced persons' camp at Lingen-Ems where I explained my situation to the commandant who was sympathetic, knowing the Armenian history, and suggested I pose as a Persian in order not to be sent back to Russia.

During this period the Russians were constantly checking the Polish camps for escaped prisoners and it was only through the cooperation of the Polish officers in the camp that I was not taken. I remained in this camp until 1947 when the Polish prisoners were taken to other camps and the officers who had befriended me were moved out. Once more the Russians came into the camp and again I escaped. This time I moved to another Polish camp, Dalum (EMS), where I remained about 8 months, when the Russians came to search for escapees. Once again I moved to another Polish camp where I remained until 1948. In 1948 the English Army Headquarters moved the camp closer to the Russian border, Braunschwig. I fled and came to the American Zone where I entered the refugee camp at Untergettingen and made application for a displaced person's visa, still using Persia as my native country.

My wife, who was born in Russia of Bulgarian ancestry, was brought into Germany in 1942 as slave labor. We met in prison camp and were married in 1946. When she left Germany she claimed Bulgarian nationality so she would not be sent back to Russia.

We left Germany in 1949 for the United States with the intention of becoming permanent residents and loyal citizens of the United States. In 1954 we made application for citizenship and at that time confessed that we had lied about our nationality. As a result of this statement we are now subject to deportation to Russia. Should I be

returned, not only would I be persecuted, but in all probability my mother and brother also, if they are still living. I have not heard from them since 1941.

Since living in the United States I have been employed as an automatic screw machine operator at Masco Manufacturing Co., Excello Corp., Ford Motor Co., and am at present working at Hill Manufacturing Co. I am very grateful and thank God for the privilege of living in this country. If there is no place here for me, I have no place anywhere.

We are both deeply appreciative of your interest in our case and you may be sure we will give our very best to be good citizens.

Yours truly,

MAX TERIAN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2803) should be enacted.

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Calendar No. 2333

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2309

DR. CHING-LIN HSIA AND WIFE, WAI TSUNG HSIA

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2826]

The Committee on the Judiciary, to which was referred the bill (S. 2826) for the relief of Dr. Ching-Lin Hsia and wife, Wai Tsung Hsia, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Ching-Lin Hsia and wife, Wai Tsung Hsia. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 60-year-old husband and his 55-year-old wife, both natives and citizens of China. They last entered the United States at New York on August 7, 1955. He entered as a delegate from the Chinese Nationalist Government to the United Nations and resigned the position February 29, 1956. The male beneficiary has been a prominent official of the Chinese Nationalist Government for many years. Information is to the effect that he and his wife would be cultural assets to the United States. Their 30-year-old son has been admitted to the United States for permanent residence.

A letter, with attached memorandum, dated May 22, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 22, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2826) for the relief of Dr. Ching-Lin Hsia and wife, Wai-Tsung Hsia, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y., office of this Service, which has custody of these files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It would also direct that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DR. CHING-LIN HSIA AND WIFE, WAI-TSUNG HSIA, BENEFICIARIES OF S. 2826

The beneficiaries, Dr. Ching-Lin Hsia and Wai-Tsung Hsia, natives and citizens of China, were born on January 17, 1896, and November 16, 1900, respectively. They were married in China on July 14, 1923, and have a son, Dr. David Yi-Yung Hsia, age 30, who has been admitted to the United States as a permanent resident alien. The male beneficiary's mother and two brothers are citizens of China and reside in Shanghai. His sister is an employee of the United Nations Secretariat and resides in the United States. The female beneficiary has no close relatives.

Dr. Hsia attended Edinburgh University in Scotland from 1919 to 1922 and received the degree of doctor of philosophy from that university. Mrs. Hsia attended Cheltenham Ladies' College, Cheltenham, England, and the Royal Academy of Music, London, England.

The beneficiaries last entered the United States on August 7, 1955, at New York, N. Y. Dr. Hsia was admitted as a delegate from the Chinese Nationalist Government to the United Nations and the female beneficiary was admitted as the wife of an official of the United Nations. The male beneficiary resigned his position with the Chinese delegation to the United Nations on February 29, 1956. The Department of State on April 13, 1956, advised that they had received no report of the termination of the male beneficiary's status.

The male beneficiary has been a prominent official of the Chinese Nationalist Government for many years and represented his government at Geneva, Switzerland, between 1953 and 1955. He stated that he is presently retired and that his spouse is a housewife.

The combined assets of the beneficiaries are $100,000 consisting of a house valued at $20,000, $50,000 in stocks and bonds and the remainder in savings.

Dr. Ching-Lin Hsia and wife are also the beneficiaries of H. R. 8025, 84th Congress.

Senator Irving M. Ives, the author of the bill, has submitted the following information in connection with the case:

ROSELYN HEIGHTS, N. Y., *February 10, 1956.*

To Whom It May Concern:

It has been my pleasure to know Dr. and Mrs. C. L. Hsia since 1923. First, as an American medical missionary working in Shanghai, later in New York, and at the present time on Long Island where we are residents and neighbors.

It is difficult for me to write of Dr. and Mrs. Hsia without using superlatives, because of their natural endowments, their cultural inheritance, their abilities and skills, their dedication to Christian service, the abundant life they live and exhibit, their humility of spirit.

It is not possible, nor is it within the scope of this letter, to more than mention some of the biographical data of their education and early activities in Shanghai. Dr. Hsia, after a thorough Chinese education in his own country, studied 8 years in England and Scotland, where he received the degrees of bachelor of science, master of arts, and doctor of philosophy. During his student days in England he was active in the British Student Christian Movement, and was at one time secretary general of the Chinese Students Christian Union in Great Britain and Ireland.

After returning to Shanghai in 1923, he was married to Miss Wai Tsung New, who was a fellow student in England. Miss New graduated from Cheltenham Ladies' College in England, Royal Academy of Music, London, and London Academy of Music with the degree of A. L. A. M. in 1922.

Dr. Hsia spent most of the next 4 years in university teaching and administrative work, as president of Medhurst College and lecturer in three other Chinese universities, sometimes concurrently. He was a member of the Shanghai Bar Association, though he never practiced law. He was the author of several books during this period: A study in Chinese Diplomatic History. He collaborated in an English translation of the Chinese Civil Code and the Chinese Criminal Code.

Mrs. Hsia taught in 1 school and 2 universities in Shanghai and was president of the National YWCA. She was organist and choir master of the Tien An Tang Church. Mrs. Hsia's family worshipped there for three generations. Her grandfather, Pastor Nyi, was the first Chinese pastor, her mother was for many years an elder, Mrs. Hsia was organist and choir master, Dr. Hsia was chairman of the board of trustees.

References as to Dr. Hsia's activities under the Nationalist Government established in 1927 under Chiang Kai-shek, beginning with the Legislative Yuan appointment, including many assignments to the United States, Europe, and to membership in the Chinese delegation in the United Nations, may be found in: Who's Who in America, Who's Who in the East, International Yearbook and Statesmen's

Who's Who, World's Who's Who, International Who's Who, All Who's Who published in China.

It is with confidence that I recommend them for the status of permanent residents in the United States.

Respectfully submitted.

JOSEPHINE C. LAWNEY, M. D., F. A. C. P.

INTERNATIONAL COMMODITIES CORP.,
New York, N. Y., January 20, 1956.

To Whom It May Concern:

The writer of this letter is president of International Commodities Corp., and a retired lieutenant colonel in the United States Army Reserves. I am also an official of several charitable organizations and foundations in New York City. I write this letter on behalf of two of my very good friends, Dr. Ching-Lin Hsia and Mrs. Wai Tsung Hsia.

I and various members of my family have known Dr. and Mrs. Hsia for almost 15 years. When I first met Dr. Hsia about 1941 he was then director of the China News Service in New York City. He and my family became very good friends and we have seen each other frequently throughout the intervening years. When I returned from military service I saw Dr. Hsia more or less frequently. Our association was on a friendship and not a business basis.

Dr. and Mrs. Hsia are to me two of the finest people it has been my pleasure to know. I can vouch for their fine moral character which was tried and tested both during the Second World War and more recently with the Communist taking over the Chinese mainland. Through all these periods of good and bad fortune Dr. Hsia has exemplified the best traditions of mankind.

I understand that Dr. and Mrs. Hsia are making application for permission to remain in the United States when he retires from active service. I am sure that he will be a law-abiding resident and will whenever possible be a credit to his community and to the United States.

Respectfully,

ALFRED E. ROSENHIRSCH.

WASHINGTON D. C., *January 24, 1956.*

To Whom It May Concern:

I have been informed that Dr. and Mrs. Ching-Lin Hsia are applying for permission to live in the United States.

Mrs. Kitchen and I have known personally, Dr. and Mrs. Hsia since they came to Washington from England in 1940. Dr. Hsia has an excellent educational and professional background. He has served in various capacities as a representative of the Government of China, including that of deputy representative for China on the Security Council of the United Nations, and since 1952 as representative on the Economic and Social Council, with the rank of Ambassador, which is his present position.

Dr. Hsia and his wife, Wai Tsung Hsia, are aged 60 and 55, respectively. Both are highly educated and speak excellent English. They are well grounded in the principles of democracy, and are loyal friends of the United States. Both are of unimpeachable moral character, and are fine Christian people of the highest integrity.

Through the misfortunes of war, they lost their home and family possessions in Shanghai many years ago. In view of all of these circumstances, I recommend them, without reservation, as being qualified for permanent residence in the United States.

Respectfully,

CLARENCE W. KETCHUM.

PORT ORANGE, FLA., *January 25, 1956.*

To Whom This May Concern:

This letter is written to recommend for the status of permanent residence in the United States Dr. C. L. Hsia, member of the Chinese delegation to the United Nations and bearing the rank of Ambassador, and his wife Wai Tsung Hsia. I have known Dr. and Mrs. Hsia for more than 20 years, my first acquaintenance being at the time he was president of Medhurst College in Shanghai and I was associated with the national committee of the Young Men's Christian Association in China.

I cannot speak too highly of Dr. and Mrs. Hsia. They have ably and conscientiously represented their own country at all times and have always carried their share of responsibility as good citizens in the communities in which they have lived. As a family they are worthy examples of the very best. Their son Dr. David Yi-Yung Hsia won high honors when a student at Haverford College and in Harvard Medical School. He is now a very able physician.

No persons of my acquaintance could I commend more highly for permanent residence or American citizenship. In character, understanding, and loyalty they would represent the very best in every way.

I trust our Government will grant the wish of Dr. and Mrs. Hsia.

Sincerely yours,

C. W. PETITT.

NEW YORK, N. Y., *January 27, 1956.*

To Whom It May Concern:

It is with great pleasure and an honor to write this letter about my friend Dr. Ching-Lin Hsia, whom I have known for 30 years, as an educator of high standing, as an outstanding Christian in his native land, China, and in all the other countries to which he has been sent by his Government to serve as its representative in high diplomatic posts.

I first knew Dr. Hsia when he came back to Shanghai from Edinburgh, Scotland, where he had taken his university degree and had received a doctorate from his alma mater.

He was made president of Medhurst College in Shanghai which was an outstanding educational institution under the Congregational Church of the London Missionary Society. He served in that capacity until 1931. While in Shanghai as president of Medhurst College, he also was honorary treasurer of the National Christian Council, and

was on the boards of Hangchow College, Ginling College, Cheloo University, and the Shanghai Young Men's Christian Association. His wife was national chairman of the Young Women's Christian Association. She had her college training in London, England. She also is a wonderful Christian and a prominent citizen in what ever part of the world she has lived. Dr. Ching-Lin Hsia is now 60 years of age and Mrs. Hsia (Wei Tsung Hsia), is 55 years of age.

In 1931 Dr. Hsia's government appointed him as their representative at the Chinese Embassy in London. He also held a diplomatic position in Geneva, Switzerland.

In the summer of 1940, his government called him to head up the Chinese Government Information and Publicity News Service in America, their office being in New York City.

During the years here he was on the board of the American Bureau of Medical Aid to China, China Institute in America, American Bible Society, and on the board of the China Christian Colleges.

In 1946, he was appointed deputy Chinese representative on the Security Council of the United Nations and in 1952 was made Ambassador to represent China on the Economic and Social Council where he did outstanding work. He is to retire from this position in the United Nations.

He and his wife are both people of the highest moral character and they are two people, we as Americans may be proud of and grateful to our country, America, for giving these two splendid Chinese friends permanent residence here in America. I heartily endorse them as to character, and ability to serve in every good and worthwhile undertaking.

I was a Presbyterian missionary in China for 37 years. For further reference as to my character see Who's Who, page 1422 in 1946–47. I earnestly hope these two great Chinese will obtain permanent residence as soon as possible.

Yours truly.

EDWIN C. LOBENSTINE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2826) should be enacted.

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Calendar No. 2334

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2310

DON-CHEAN CHU

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2846]

The Committee on the Judiciary, to which was referred the bill (S. 2846) for the relief of Don-chean Chu, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Don-chean Chu. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 44-year-old native of China who entered the United States on August 25, 1947, at San Francisco, Calif., as a student. He subsequently obtained a master's degree at the University of Maryland and a doctor's degree at Columbia University. His wife and 8-year-old daughter were admitted to the United States for permanent residence under the provisions of the Refugee Relief Act. He presently resides with them in Greenville, S. C., where he is a professor at Bob Jones University.

A letter, with attached memorandum, dated March 30, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 30, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report on the bill (S. 2846) for the relief of Don-chean Chu, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Atlanta, Ga., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

As a quota immigrant the beneficiary would be chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DON-CHEAN CHU, BENEFICIARY OF S. 2846

The beneficiary, Don-chean Chu, was born on July 12, 1911, in Suining, Kiangsu, China. His wife, Show-Chih Chu (nee Rai), whom he married on August 20, 1940, in Nashiang, China, was born on March 8, 1912, in Poa-Ying, Kiangsu, China. Their daughter, Rai-Saint Chu, who is now 8 years of age, was born in China. His wife and child were admitted to the United States for permanent residence under the provisions of the Refugee Relief Act of 1953 on March 20, 1955, at Anchorage, Alaska. The beneficiary and his family reside at Bob Jones University, Greenville, S. C.

The beneficiary received a master of arts degree at the University of Maryland and a doctor of philosophy degree at Columbia University. He is employed as a professor of psychology and education by the Bob Jones University, Greenville, S. C. He receives a salary of $150 a month plus food and housing. His employer also, by contractual agreement, has provided him with a life insurance policy in the amount of $2,000. He has $2,540.48 on deposit with the Irving Savings Bank, New York, N. Y. The beneficiary's wife is studying at the Bob Jones University for a graduate degree and it is expected that she will later be employed on the teaching staff of that university. The university has provided her with a life insurance policy in the amount of $1,000. The beneficiary has not heard from his parents, one brother, and a sister in 3½ years. They were last known to be residing in China. Another brother resides in Formosa. The beneficiary claims to have served with the Chinese guerrilla forces against Japan during World War II.

The beneficiary was admitted to the United States for a temporary period as a student on August 25, 1947, at San Francisco, Calif. He was granted extensions to his period of admission, the last of which expired on October 1, 1953. He made application for an adjustment of his immigration status under the provisions of section 6 of the Refugee Relief Act of 1953 on July 6, 1954. On September 23, 1954, he withdrew that application stating that his employer, the Bob Jones University, Greenville, S. C., had filed a petition for the issuance of an immigrant visa in his behalf. The petition was approved on December 16, 1954, for the issuance of an immigrant visa under the first quota preference. Such approval, after being extended, is valid until January 4, 1957. Following the approval of the visa petition the beneficiary was granted the privilege of preexamination. However, he is unable to avail himself of that privilege at this time because of the immigration quota for Chinese persons being oversubscribed. His name has been placed on the waiting list in the American consulate in Nassau, Bahamas. Deportation proceedings were instituted against the beneficiary on March 21, 1956, on the ground that he has failed to maintain the nonimmigrant status under which he was admitted. The outcome of these proceedings has not yet been determined.

Senator Thomas A. Wofford has furnished the committee the following correspondence addressed to former Senator Strom Thurmond, the author of the bill:

BOB JONES UNIVERSITY,
Greenville, S. C., July 26, 1955.

Hon. STROM THURMOND,
United States Senate, Washington, D. C.

DEAR SENATOR: Dr. Don-chean Chu, who is a member of the faculty of Bob Jones University, has written me about his visit with you and about the plans you have in mind concerning his status in the United States being adjusted as soon as possible.

Dr. Chu is a very high-class Christian gentleman. He is one of the most loyal members of our faculty. I am sure he would make a good American citizen.

The following is the information we have about Dr. Chu: He was dean and principal of secondary schools in China for 9 years and received citations and awards. He also taught in two Chinese universities for 5 years. He wrote 3 books and 16 articles. In 1947 Dr. Chu came to the United States to study. He received the master of education degree from the University of Maryland in 1949 and the doctor of education degree from Columbia University in 1953 with excellent remarks and various academic accomplishments. Since September 1953, Dr. Chu has been teaching at Bob Jones University as a full-time professor.

Sincerely yours,

BOB JONES,
Founder and Chairman of the Board of Trustees.

BOB JONES UNIVERSITY,
Greenville, S. C., July 17, 1955.

Hon. STROM THURMOND,
United States Senate, Washington, D. C.

DEAR SENATOR: I am writing in the behalf of Dr. Don-Chean Chu, who had been a teacher and principal of secondary schools for 9 years, and also taught in 2 universities for 5 years in China.

In 1947, he came to the United States. He received the master of education degree from the University of Maryland, 1949, and doctor of education degree from Columbia University, 1953, with excellent marks and various academic accomplishments. As a professor, Dr. Chu has been successfully teaching in Bob Jones University since September 1953.

I have had many social as well as professional contacts with Dr. Chu, and have found him an outstanding Christian gentleman. I, therefore, recommend that he be given every consideration due a person in his professional standing and quality of character.

Dr. Chu, as an oriental scholar with adequate professional training, extensive experience, profound knowledge, and fine Christian personality, would be a real asset to the United States, if he becomes a permanent resident here. Any help and courtesy extended him so as to expedite his application for the status of permanent residence 'll be greatly appreciated by him as well as by me.

With kindest regards, I am,

Yours very sincerely,

PETER H. H. LEE,
Professor, Theology and Christian Education.

WASHINGTON, D. C., *May 17, 1956.*

IMMIGRATION SUBCOMMITTEE,
Senate Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR SIRS: On July 17, 1955, I wrote to Senator Strom Thurmond, of South Carolina, concerning Dr. Don-chean Chu's application for the status of permanent residence in the United States of America and recommended that he be given every consideration due a person in his fine quality of character and most needed professional standing as a Christian gentleman and full professor at Bob Jones University. I presume that this matter has already been taken up by the proper judiciary authority for final and favorable decision.

I am now writing to you good committee members to indicate the same of my faithful support and highest recommendation of Dr. Chu so that Dr. Chu's application for permanent residence in the United States of America may be accepted favorably and that his rightful wish may be granted at the earliest date possible.

With kindest regards, I am,

Yours very sincerely,

PETER H. H LEE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2846) should be enacted.

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Calendar No. 2335

84TH CONGRESS } SENATE { REPORT
2d Session } { No. 2311

ROSALIND CHANG

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2904]

The Committee on the Judiciary, to which was referred the bill (S. 2904) for the relief of Rosalind Chang, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Rosalind Chang. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 36-year-old native and citizen of China who entered the United States at New York, N. Y., on July 19, 1949, as a visitor. She was accompanied by her daughter, who is now 13 years old. Her husband had entered the United States 2 months previously as a visitor and he is presently employed by the Voice of America. The beneficiary is employed by the National Education Association. The husband and daughter have had their petitions approved under section 6 of the Refugee Relief Act. The beneficiary's petition was denied because it appeared that she could return to the place of her birth without fear of persecution.

A letter, with attached memorandum, dated March 22, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 22, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2904) for the relief of Rosalind Chang, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Baltimore, Md., office of this Service, which has custody of that file.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROSALIND CHANG, BENEFICIARY OF S. 2904

The beneficiary, who is also known as Rosalind Cheng and Wai Fun Cheng, is a citizen of China, born on November 18, 1919, in Hong Kong. She married Chin Bing Chang on July 1, 1942, at Chungking, China. One child, Amy Chang, was born of this marriage on March 20, 1943, at Chungking. The beneficiary completed high school, attended business school, and took a course in general English and economics at Lingnan University in Hong Kong. Her father is deceased. Her mother resides in China. The beneficiary is a housewife and dependent upon her husband for support. She resides with her husband and child at 8115 University Lane, Silver Spring, Md.

The beneficiary was admitted to the United States on July 19, 1949, at New York, N. Y., as a visitor. She failed to comply with the conditions of her admission and deportation proceedings were instituted against her. She was accorded a hearing, found deportable, and an order for her deportation has been entered. Such order is outstanding. The beneficiary applied for adjustment of her immigration status under section 4 of the Displaced Persons Act of 1948 and also under section 6 of the Refugee Relief Act of 1953. However, she was found to be ineligible by this Service for such adjustment.

The beneficiary's husband, Chin Bing Chang, and daughter, Amy Chang, entered the United States as visitors on May 20, 1949, and July 19, 1949, respectively. They applied for adjustment of their immigration status under section 6 of the Refugee Relief Act of 1953 and were found to be eligible for such adjustment by this Service. This action has been reported to the Congress as required by the provisions of that act.

Mr. Chang's income is $6,370 per year. Mr and Mrs. Chang have cash savings in the amount of $500, stocks and bonds valued at $20,000, and personal property which is valued at $2,000.

Senator H. Alexander Smith, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
April 6, 1956.

Hon. JOSEPH O. EASTLAND,
Chairman, Senate Judiciary Committee,
Washington, D. C.

DEAR SENATOR: I am writing to you with regard to S. 2904, the bill which I introduced on January 12, 1956, for the relief of Rosalind Chang.

Mrs. Chang's husband, Mr. Chin-bing Chang, is employed by the United States Information Agency. Favorable consideration was given to the application of Mr. Chang and his daughter for adjustment of status under section 6 of the Refugee Relief Act and their cases were reported to the Congress June 7, 1955. Mrs. Chang's application was denied, however, on the ground that she is able to return to Hong Kong, the place of here birth. Commissioner Swing of the Immigration and Naturalization Service advised me under date of September 12, 1955, that Mrs. Chang is not eligible for any administrative relief at this time.

At the present time Mrs. Chang is employed at the National Education Association, Washington, D. C.

Both Mr. and Mrs. Chang have been highly recommended to me by friends of mine in Princeton, N. J., who have known them some 10 years.

I shall appreciate any consideration which may be extended to the bill in behalf of Mrs. Chang when the matter is brought before your committee for action.

Always cordially yours,

H. ALEXANDER SMITH.

STATEMENT OF CHIN-BING CHANG

For 13 years, I was a journalist working for the Central News Agency of China, a semiofficial news organization under the Chinese Nationalist Government. During the war, I served in China and in India, while my wife was employed by the American organization, United China Relief, in Chungking. In 1948, I was assigned to Buenos Aires, Argentina, where I became chief correspondent in Latin America for the said agency. When the Chinese Communists overran the China mainland in 1949, the agency found itself in financial difficulty and instructed me to close my Buenos Aires office. As a result, I saw no point for remaining in Argentina, and so, on May 20, 1949, I came to the United States where I have many friends. My wife and daughter came on July 19, 1949, both from Buenos Aires.

As we were unable, and also unwilling, to return to China under the Communist rule, my family and I applied for

adjustment of our immigration status under the displaced persons law of 1948. After having gone through all the processes in connection with our applications, we were denied displaced persons status on the ground that we entered the United States and established residence here after the date prescribed by that law, namely, April 30, 1949. (I had arrived on May 20, 1949, and my family on July 19, 1949.)

At present, I am in the employ of the Voice of America, writing commentary scripts, and doing news broadcasts and other related work. My wife is with the national board of the YMCA at 291 Broadway, New York City. We recently applied again for adjustment of our immigration status under section 6 of the Refugee Act of 1953. It has come to my knowledge that wheras under the old displaced persons law, a successful applicant was eligible for citizenship if he had resided continuously in this country for 5 years, counting from the date of his first entry, he is, however, under the Refugee Act of 1953, not eligible for citizenship until after 5 years from the date when his application is approved. In other words, the old DP law was retroactive with regard to the required number of years of residence to be eligible for citizenship, while the Refugee Act is not. Assuming an applicant under the Refugee Act receives his official approval in 1955, he will not attain citizenship until 5 years afterward, that is, in 1960.

Inasmuch as I am working in the Voice of America, a United States Federal agency, I have cast in my lot with this country in its anti-Communist cause. It seems important to us to acquire United States citizenship, not only as a matter of security, but also for the sake of insuring more effective performance of my duties.

In view of the above considerations, we request your kind assistance in expediting our attainment of permanent residence as a step toward citizenship at the earliest possible moment.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2904) should be enacted.

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Calendar No. 2336

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2312

ANNA JUSTINE CAKSTE

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2955]

The Committee on the Judiciary, to which was referred the bill (S. 2955) for the relief of Anna Justine Cakste having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Anna Justine Cakste. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 20-year-old native and citizen of Latvia who last entered the United States at Boston, Mass., on August 29, 1950, in the motor vessel *Masen* with her mother, sister and a group of Baltic persons seeking asylum. They were found to be excludable, but were paroled into the United States. The beneficiary's father died in a concentration camp on February 21, 1945. Meanwhile, the rest of the family fled to Sweden and remained there until August 1950. The Russians were pressing to have all Latvians repatriated, so they were forced to again flee. The beneficiary has been attending Boston University Junior College and she presently resides with her mother in Cambridge, Mass. Her mother and sister are lawful permanent residents of the United States.

A letter, with attached memorandum, dated June 7, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., June 7, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2955) for the relief of Anna Justine Cakste, there is attached a memorandum of information concerning the beneficiary.

This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Latvia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANNA JUSTINE CAKSTE, BENEFICIARY OF S. 2955

Anna Justine Cakste, a native and citizen of Latvia, was born on February 28, 1936, in Riga. She has never married and resides with her mother, Mrs. Anastasija Cakste, and younger sister, Katrina, at 89 Washington Avenue, Cambridge, Mass. She is in her sophomore year at Boston University, Boston, Mass. where she intends to major in the social sciences. She is almost wholly dependent upon her mother for support as her only income is derived from occasional jobs of baby sitting and from summer positions in department stores. The family assets consist of furniture and personal possessions valued at $2,000. Her only near relatives known to be living abroad are two uncles and an aunt who live in Sweden. Her mother and sister are her only close relatives in this country.

Miss Cakste lived in Latvia from birth until 1944. Her father died in a concentration camp in Germany on February 21, 1945. He was placed in a concentration camp for underground activities against the Germans. In November 1944 she fled with her mother and sister to Sweden to evade the Germans and Russians. She was given asylum in Sweden and remained in that country until August 1950. Because of considerable pressure by the Russians for the return of all Latvians in Sweden to their native country, the beneficiary, her mother, sister, and a group of Baltic people left Sweden on the motor vessel *Masen* in August 1950 to seek asylum in the United States.

The beneficiary and the entire group with whom she left Sweden arrived in the United States on August 29, 1950 at Boston, Mass., on the motor vessel *Masen*. They were taken into custody by this Service, and on September 1, 1950, she with her mother and sister were transferred to Ellis Island, New York Harbor. On September 27, 1950, the family was excluded from admission to the United States and ordered deported on the ground that they were immigrants not in possession of immigration visas. This decision was appealed and on February 7, 1951, their appeal was dismissed by the Board of Immigration Appeals. On February 1, 1951, she was released from custody on parole to her mother and has remained in that status ever since.

Miss Cakste, her mother, and sister, were beneficiaries of Private Law 655, 82d Congress enacted on May 29, 1952 which made them eligible to file an application for adjustment of status under section 4 of the Displaced Persons Act of 1948, as amended. The status of her mother and sister was adjusted under section 4 of the Displaced Persons Act of 1948, as amended and an order was entered on November 24, 1954 directing that a record of lawful entry for permanent residence be created in their behalf as of August 29, 1950. It is alleged that the beneficiary filed an application to adjust her status under section 4 of the Displaced Persons Act of 1948, as amended but there is no record that this Service ever received such an application.

Mrs. Anastasija Cakste, nee Stipnieks, a native and citizen of Latvia, was born in Riga on February 24, 1909. Her only marriage was to Konstantin Cakste, a native and citizen of Latvia, on February 28, 1932, in Riga, Latvia. In 1941 she graduated from the University of Riga in Riga, Latvia, where she specialized in commercial and private law. She attended Royale University in Upsala, Sweden, from 1946 to 1950 where she studied meteorology. Mrs. Cakste, since September 1954, has been employed by Harvard University as a research library assistant at a wage of $62.50 per week. From December 1954 to November 1955, she was employed part time at Massachusetts Institute of Technology as a computer for which she received between $30 and $35 per week. From June 1951 to September 1954, she was employed as a cataloger in the American Meteorology Office of the Congressional Library in Washington, D. C.

The beneficiary was also one of the beneficiaries of private bill S. 4189 of the 81st Congress, 2d session which was not enacted.

Senator John F. Kennedy, the author of the bill, has submitted the following affidavit in connection with the case:

AFFIDAVIT

CITY OF BOSTON,

County of Suffolk, Commonwealth of Massachusetts:

I, Anna J. Cakste, now of 89 Washington Avenue, Cambridge, Mass., being duly sworn do depose and say:

That I was born in Riga, Latvia, on February 28, 1936, the daughter of Konstantin Cakste and Anastasija Cakste. My father was a

lawyer and professor of law. I was the elder of the two children born to our parents. My sister Katherina Cakste was born in Riga on July 12, 1938.

That my father was connected with the underground movement in Latvia against the Communists and Nazis and in 1944, he was captured by the Germans and taken into slave labor into concentration camp in Germany and he died in the camp in Germany in 1945, February. That after my father was taken by the Germans, my mother fled to Sweden with my sister and me to seek haven as she would have been taken by the Germans and we her children, also, to have the same fate as my father.

That in Sweden from 1945 to 1950, we had the status of refugees. That we lived in Sweden always under the fear that we would have to be repatriated to Russia as then the Russians had taken over Latvia. In Sweden we knew of many repatriations where the Russian Government had forced repatriation of some military men and others from Sweden to their former homes. We know that if we were repatriated to Latvia where the Russians were in control that death awaited us as the family of my father who had worked against them.

That in August 1950, my mother took us with her and with a group of other persons, refugees like ourselves, we came on a small motor ship from Sweden to Boston, Mass. The 30-day trip brought us to Boston, Mass., August 29, 1950, on the *Mason*. We were detained by the United States Immigration officials, were given hearings and finally released on parole February 1, 1951.

That we have lived in the United States since. That we were given the opportunity to adjust our status under the Refugee Relief Act of 1952 and my mother and sister who lived together filed application and I was then attending school in Greenwich, Conn., and my application was sent separately but apparently was lost in the mail or files somewhere because my mother, Anastasija and my sister, Katherine Cakste had hearings and finally in 1954 my mother and sister received their alien registration cards and they are now permanent residents of the United States, their adjustment being affected the Refugee Relief Act of 1952.

That such relief is not open to me now nor was it permissible under the Refugee Relief Act of 1953 which has also expired. Therefore I beg for adjustment and consideration under private bill S. 2955.

That from 1950 to 1953, I was a student at the Rosemary Hall Preparatory School, Greenwich, Conn., where I graduated in June 1953. That since September 1954, I am a student at the Boston University Junior College where I will finish in June 1956, and then am enrolled in College of Liberal Arts, Boston University.

I make my home with my mother, Anastasija Cakste, at 89 Washington Avenue, Cambridge, Mass. That my mother is employed as research assistant for Professor Brooks of Harvard University. My sister, Katherine, is a student at Sanford Preparatory School in Wilmington, Del. That we are fully self-supporting and my mother provides fully for all our needs. That we have never been recipients of any kind of public or private assistance. That we are not members of any organization, political or otherwise. That at school I am a member of the Dramatic Club and the International Student Club.

It is my great wish and hope to have my immigration status adjusted so that I will make my home permanently in the United States and become a citizen of the country I love and where is my true home.

ANNA J. CAKSTE.

Subscribed and sworn to before me this 25th day of January 1956.

[SEAL] TEOFILIA K. TATTAU,
Notary Public.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2955) should be enacted.

90008°—57 S. Rept., 84-2, vol. 8——12

Calendar No. 2337

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2313

ELISABETH HOLLAS

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2958]

The Committee on the Judiciary, to which was referred the bill (S. 2958) for the relief of Elisabeth Hollas, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who is afflicted with tuberculosis in behalf of Elisabeth Hollas. The bill provides for the posting of a bond as a guaranty that the alien will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native of Czechoslovakia, presently stateless, who is living in Vienna where she is employed by the United States Government. She is single and is a refugee from her native land, but is ineligible to enter the United States because of a spot on her lung. She has a Ph. D. from the University of Vienna. Her sponsor in the United States is a naturalized citizen of Czech origin. Information is to the effect that he is financially able to care for the beneficiary in the event the tuberculosis should flare up.

A letter, with attached memorandum, dated May 15, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 15, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2958) for the relief of Elisabeth Hollas, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., Office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States, aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease. It would authorize the alien's admission for permanent residence, if she is otherwise admissible under that act, under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge and would provide that the exemption granted the beneficiary shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELISABETH HOLLAS, BENEFICIARY OF S. 2958

Information concerning the case was obtained from Mr. Alfons V. Stach, a friend of the beneficiary.

Elisabeth Hollas, a native of Czechoslovakia and believed to be a citizen of that country, was born about 1930 in Prague. She has never been married and resides at Wien No. 38, Anastasius Grungasse, Vienna, Austria, with her parents and sister. She has been employed by the United States Embassy in Vienna since August 1955, as a clerk-stenographer at about $80 a month. It is alleged that she has the degree of doctor of philosophy. She has no relatives in the United States and has never been in this country. She resided in Czechoslovakia until about 1948, when she, with her family, was forced to flee from that country.

The beneficiary was denied an immigrant visa by the United States consulate in Vienna in 1955. Mr. Stach believes she was afflicted with tuberculosis.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information concerning the beneficiary.

Alfons V. Stach, a native of Czechoslovakia and a citizen of the United States through naturalization, was born on

April 20, 1901. He is not related to the beneficiary, but has known her since her birth. He did not see her from 1938 to 1947. Since 1947 he has made yearly visits to Europe in connection with his business and has seen Miss Hollas on each of these trips. He stated that he forwarded affidavits of support to the beneficiary, in order to assist her to come to this country, and is able and willing to post a bond in her behalf if required. Mr. Stach resides at Hampton Terrace, Lenox, Mass., with his wife and mother. He has been a dealer in stamps for many years. His assets consist of a home valued at $50,000, on which there is a mortgage of $17,500, a stamp collection valued at $20,000, savings of $4,000, and stocks valued at $12,000.

Senator Warren G. Magnuson, the author of the bill, has submitted the following information in connection with the case:

IN RE MISS ELISABETH HOLLAS

Miss Elisabeth Hollas is employed by MSA-FOA, an American agency in Vienna, Austria, and is eligible to enter the United States under the Displaced Persons Act. Unfortunately, while she is in good health, X–rays show scar tissue from an arrested case of tuberculosis of the lung and Public Health regulations do not permit her entry.

Dr. Calvin B. Spencer, Chief of the Division of Foreign Quarantine of the Department of Public Health, is fully acquainted with Miss Hollas' case. He is prepared to submit a letter stating that Miss Hollas is not in a state of contagion, that her health is good, but that her scar-tissue situation is such that the regulations prevent entry. Dr. Spencer is in sympathy with a private bill to facilitate her entry.

As noted in Miss Hollas' résumé, she has been examined by Dr. Anton Sattler, a lung specialist in Vienna, and declared in good health by him.

ELISABETH HOLLAS, VIENNA XVIII, ANASTASIUS GRUENGASSE 38

Born September 23, 1929, Prague, Czechoslovakia; nationality, stateless; lost Czech citizenship, did not take out Austrian citizenship so as not to lose DP status for immigration.

Schools and education

Grammar school, high school (gymnasium) Prague until March 1948. Leaving examination Vienna Gymnasium June 1948. October 1948 to December 1952, University of Vienna, Ph. D.

Languages

German, English, French, Czech, fair knowledge of Spanish.

Jobs

Weiner Kurier (German language United States sponsored daily newspaper) from July to September 1951.

Stars and Stripes assistant to Vienna correspondent October 1951 to May 1952.

MSA-FOA Mission to Vienna, Productivity and Technical Assistance Division from September 11, 1952, to date. Secretary, interpreter, assistant to technical assistance officer Mr. Robert G. Wheaton.

Immigration

Applied for regular immigration (on normal Czech quota immediately after arrival in Austria (April 1948) also applied for and qualified for any DP law, McCarran Act, granted visa under this act pending health examination March 1954. Denied visa due to failure pass examination on grounds of TB signs on X-ray. Deferred for 1 year. Failed to pass second examination, in April 1955. X-rays examined by Dr. O'Rourke, United States Public Health officer. Immigration postponed for indefinite period of time upon vague statement of Dr. O'Rourke, advised to take control X-rays every 3 months at consulate.

Declared 100 percent O. K. by outstanding Austrian lung specialist Dozent Dr. Anton Sattler, director of Vienna's largest TB clinic. Dr. Sattler states X-rays show normal development of "rested" case of former TB symptoms, willing to discuss this with any United States Public Health officer.

References

Sponsor: Mr. Alfons Stacb, Lenox, Mass. (will furnish job and lodging).

Sponsor: Lutheran World Federation (will furnish travel as I qualify for DP Acts) (will furnish jobs, etc., also).

Other references in the United States

Dr. and Mrs. Leland P. Bradford, Leland Bradford is director of the National Training Laboratory in group development and director of the National Adult Education Association, both Washington, D. C.

Mr. A. R. Gale, FOA, Washington, formerly Acting Chief, Productivity and Technical Assistance Division, USOM, Vienna.

Robert C. Hood, president, Ansul Chemical Co., Marinette, Wis. (personal friend).

Richard Beckhard, executive director, Conference Counselors, 114 East 40th Street, New York 16, N. Y. (personal friend).

Dave Beck, general president, International Brotherhood of Teamsters.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
PUBLIC HEALTH SERVICE,
Washington, D. C., January 4, 1956.

Subject: Elizabeth Hollas, visa applicant, Vienna.

Mr. EDWARD T. CHEYFITZ,
Hill Building, Washington, D. C.

DEAR Mr. CHEYFITZ: I regret that circumstances have prevented me from summarizing the most recent report of the Public Health Service consultant in Paris on the above named case.

A series of X-ray films dating from March 1954 through October 6, 1955, were reviewed and compared with films taken on November 21, 1955, when Miss Hollas was examined in Paris. The pulmonary pathology is described as an irregular, exudative looking fibro-nodular lesion containing small areas of rarefaction confined to the left apex and first interspace. A tendency to regression has been noted alternating with an increase in exudation which is indicative of variable activity.

The latest films taken in November 1955, show the lesion to be again in a regression phase predominently nodular in character and the lordotic film confirms the presence of several small areas of rarefaction. I quote the impression: "Fluctuating tuberculous lesion, left apex, minimal, unstable. It seems quite likely that the applicant has had intermittent chemotherapy, but not in sufficient amounts to control the lesion. A class A notification as of November 21, 1955, is being issued."

This case being unstable may not be passed for visa purposes within the provisions of the present regulations. I regret that I may not give you a more favorable report at this time.

Sincerely yours,

CALVIN B. SPENCER,
Medical Director,
Chief, Division of Foreign Quarantine.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2958) should be enacted.

O

Calendar No. 2339

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2315

NO KUM SOK (ALSO KNOWN AS KENNETH NO)

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3059]

The Committee on the Judiciary, to which was referred the bill (S. 3059) for the relief of No Kum Sok (also known as Kenneth No) having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to No Kum Sok (also known as Kenneth No). The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 24-year-old native and citizen of Korea who entered the United States on March 3, 1954, as a visitor under the discretionary powers granted the Attorney General. His status was subsequently changed to that of a student and he is presently attending the University of Delaware. As a combat pilot for the North Koreans, he flew his MIG fighter over the United Nations lines on September 21, 1953, and landed at an American airfield where he turned over his aircraft intact and asked for political asylum. Prior thereto, the Commander of the United Nations Forces in Korea had offered $100,000 for the first MIG aircraft to be turned over intact. The $100,000 was awarded the beneficiary and paid by the United States Government. The beneficiary is unmarried; his father is deceased; and his mother resides in South Korea.

A letter, with attached memorandum, dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3059) for the relief of No Kum Sok (also known as Kenneth No), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of that file.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Korea.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE NO KUM SOK (ALSO KNOWN AS KENNETH NO), BENEFICIARY OF S. 3059

The beneficiary, a native and citizen of Korea, was born on January 10, 1932, in Korea. He is single and resides in Newark, Del. His father is deceased. His mother resides in South Korea. The beneficiary attended elementary school and technical school in Korea. He was a member of the Korean Democratic Youth Organization and the Korean Labor Party, which is the Communist Party in North Korea. Following his graduation from technical school, the beneficiary was enrolled in the North Korean Naval Academy. In 1949, he was transferred to the North Korean Aviation School for training as a fighter pilot.

The beneficiary completed his training as a fighter pilot in 1951 and served in combat with the North Korean Air Force. On September 21, 1953, he flew his MIG aircraft over the United Nations lines and landed at an American airfield, where he surrendered his aircraft and requested political asylum. He was granted asylum and placed under the protection of the United States Air Force.

The Commander of the United Nations Forces in South Korea had offered $100,000 for the first MIG aircraft to be turned over intact. The beneficiary states he had never heard of this offer and that the only reason for his action was his distaste for communism and the Communist way of life. The $100,000 was awarded the beneficiary and paid by the

United States Government. He has placed this money in a trust fund from which he receives $250 monthly.

The beneficiary was admitted to the United States as a visitor on March 3, 1954, under the discretionary powers granted the Attorney General by the Immigration and Nationality Act. Following the beneficiary's admission to the United States, he resided in Washington, D. C., for approximately 6 months. During this period of time he became acquainted with the American way of life and studied the English language. His status was subsequently changed to that of a student and he was enrolled at the University of Delaware in September 1954. He is presently a sophomore at that university, studying for the degree of bachelor of science in mechanical engineering.

Senator J. Allen Frear, Jr., the author of the bill, has submitted the following information in connection with the case:

KENNETH NO (ALSO KNOWN AS NO KUM SOK)

I. PERSONAL DATA

A. Birth date and place: January 10, 1932, at Hung Yang-ni, Sin Hung-myon, Sin Hung-gun, Hamyong Namdo, Korea.

B. Family: Father, No Zae Hyob (deceased); mother, Mrs. Chong Wol Nyo Ko, care of Yew Yok Kim, 496–14 Tonam-Dong Seungpuk-Ku, Seoul, South Korea (aged 45); uncle; Maj. Ki Un Riu, North Korean Air Force; uncle; No Chae-mun, Pusan, South Korea.

C. Political and religious affiliations: (1) Subject's father, a Catholic, was not a Communist. Subject's mother is a devout Catholic, who fled from Hungnam in the winter of 1950–51 to seek freedom in South Korea. The subject has no religious affiliation at present. However, he has shown himself to be sympathetic and understanding all faiths. (2) Subject joined the K. L. P. (Communist Party) in June 1951, his reason being to further his plan to escape from North Korea by gaining the confidence of his leaders. He subsequently became a cell leader and in September 1952 vice chairman of the party organization of his flying battalion.

II. EDUCATION

A. Grammar school: Chongju, Pyonan Pukto, March 1945.

B. Middle school: Hungnam, First Middle School, Summer 1947.

C. College: Hungnam Chemical School; attended only 2 years because of financial difficulties.

D. Naval Officers Training School: Changjin, Chommari, August 1, 1949.

E. September 1950–53: North Korean Air Force pilot training.

F. 1954 to date: Enrolled at University of Delaware, school of engineering. He has maintained a B average throughout.

III. MILITARY SERVICE

A. 1949–50: Naval Cadet, North Korea.

B. 1950–53: Air Force Cadet and jet pilot, North Korea.

C. Subject is registered at local draft board No. 3, Wilmington, Del., and is classified 2 S (student deferment). He has expressed his complete willingness to serve in the armed services of the United States the moment he is called.

IV. ATTITUDE AND PROGRESS

As a youth of 17 he found it necessary to do what he could to sustain his mother and himself. His father was dead. He therefore volunteered as a midshipman at the North Korean Naval Academy in August 1949. After 1 year he requested and received a transfer to the Air Force. There he became a responsible Communist Party member. He maintains that this was all part of his plan to excape to a free country, feeling that he could escape easier if he were in a position of trust. He has stated his yearning for freedom was born with broadcasts from Seoul after 1945 describing the American way of life. His best opportunity came on September 21, 1953, when he flew his MIG aircraft from Pyongyang to Seoul and surrendered to United States Air Force personnel. He disclaimed previous knowledge of the $100,000 award offered for the delivery of a MIG aircraft prior to his defection. He has consistently expressed his beliefs in a free world. Since his escape, he has applied himself diligently. For example, he began the study of English within a matter of days after his defection. He has, as a result, been able to maintain a B average since enrolling at the University of Delaware in September of 1954. He has taken little time away from his studies for himself. Each summer he has taken extra courses. Since the initial wave of publicity he has shunned any further attention, refusing numerous invitations to appear at public gatherings. It is well apparent that he has adapted himself to the American way of life. He has made numerous friends and is well liked and respected by his fellow students and faculty members at the university.

V. COMMENTS

A. The subject maintains he did not, and had no intention of surrendering to South Korean authorities but solely to the United States Air Force. He does not desire to return to South Korea following the completion of his studies, for he feels it holds no future for him. If denied permanent residence and subsequent citizenship in the United States he would prefer to go to any other free country except South Korea.

B. Now that he has proven he is a good student he wants to start planning his future. His immediate concerns are to obtain permanent United States residence and the safety and comfort of his mother. The inflated hwan and currency restrictions do not permit him to furnish money to his mother to properly care for her. Gift packages to her have been pilfered or returned from South Korea. Living conditions in overcrowded Seoul are extremely difficult. Because of her age and the hardships she has suffered he would like to have his mother with him in order to care for her in her declining years. These items prey on his mind constantly.

C. It has been established that the information and data obtained from the MIG delivered by the subject have proven to be worth to United States Air Technical Intelligence Command much more than the $100,000 reward paid. Since his defection the subject has been continuously furnishing intelligence data that have been of much value.

UNIVERSITY OF DELAWARE,
DEPARTMENT OF HISTORY,
Newark, Del., October 25, 1955.

Mr. ROBERT KELLY,
Care of Senator J. Allen Frear, Jr.,
Senate Office Building, Washington, D. C.

DEAR MR. KELLY: With the aid of Mr. John Hocutt, dean of students here, I think I have the answer to the various questions you asked me on the telephone last Friday in regard to the request of No Kum Sok (called Kenny No here) for a private bill to allow him permanent residence in the United States of America. As you are already aware, Mr. No defected from the North Korean armed forces and was brought to the United States under the sponsorship of the State Department, which was responsible for his coming to the University of Delaware.

As to the type of visa he holds: Mr. No is here on a visitor's visa which expires November 2, 1955. Dean Hocutt tells me the CIA is urging that this be changed to a student visa.

As to the time of his arrival: He arrived in the United States approximately May 20, 1954, and on the Delaware campus May 23, 1954. He began his work as a student here on June 21, 1954, in our summer session. His work that first summer consisted of noncredit courses.

As to his year at the university: He is a sophomore, a member of the class of 1958 in the school of engineering.

As to the university's satisfaction with him and his work: Dean Hocutt tells me—and everyone I have spoken to agrees with him—that the university is entirely satisfied with Kenny No and with his work. The dean prepared the following summary of Mr. No's academic record:

	Credit hours taken	Credit hours passed	Index (average)
1st semester, 1954–55	11	11	3.27
2d semester, 1954–55	17	17	3.00
1955 summer session	6	6	2.00

A 3.00 index means a B average; 2.00 would mean a C; 4.00 would mean a perfect average (all A's). All of Mr. No's grades have been C or better except for 6 hours of required work in English composition, in which he received D grades. He took half of this in the summer, when a D in English countered a B in another subject to make 2.00, but his difficulties in English composition are understandable, and his record otherwise is distinctly good.

Dean Hocutt writes me that No's "conduct has been above reproach. He is regarded as an excellent school citizen; his adjustment to college has been good." Dean Hocutt talked with Captain Dravo, of the CIA in Wilmington, who said he would be delighted if No could be granted permanent residence. Captain Dravo said the Washington office would be very glad to send someone to talk with you.

Since Dean Hocutt knows more about this boy's case than I do and has more information concerning him at his fingertips, you may want to contact him if you need further information. I am sending him a copy of this letter so he will have it on file. I will continue to be glad to do anything I can to help a boy who seems to deserve help and whom I am proud to have at Delaware.

I am very grateful for the interest Senator Frear has taken in this boy's case.

Sincerely yours,

JOHN A. MUNROE.

[From Wilmington Morning News, Monday, January 30, 1956]

EX-FLYER ON NEW COURSE

There's something new about the North Korean pilot who flew his Russian-built MIG jet fiighter plane to an allied field in South Korea back in 1953. Kenneth No—also called No Kum Sok—is getting a chance to prolong his residence in America indefinitely, Senator Frear's new bill in Congress asks for that privilege.

It goes without saying that the former enemy flying officer, now at the University of Delaware, must have measured up to the security standards of the State Department and the Central Intelligence Agency. Otherwise neither the Senator or Congress would consider his application for an extended visa. On the positive side, Mr. No has become a pride of the university—and even more important, a credit to himself.

After the first flurry of news about his taking up mechanical engineering at the university there's been very little printed about the young Korean. And for good reason. In the words of John E. Hocutt, dean of students, "Going to school is a religion with him."

One of the very few speaking engagements made for the flyer was to talk about the Crusade for Freedom's work in broadcasting the truth about the West to Communist-held areas. He made his Dover date for 11 o'clock. On the day set he asked how could he go—he'd understood it was 11 in the evening and he had a class at that hour in the morning! He went to Dover only after the dean made clear a commitment had been made.

His grades are good even in the toughest course. He early gave to Korean relief $10,000 of his $100,000 prize for delivering the MIG. (He said he had not heard of the prize when he broke for freedom.) Despite being richer than most students, he doesn't show it. Didn't even get a car for a year.

What are his plans for staying in America a good while longer? That we don't know; it's his own business. But as one of many refugees from Red-dominated areas he seems an exemplary case of a good flyer changing his flight plan—and the best of risks as a new friend of America. May his stay here be as long and happy as he could wish.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3059) should be enacted.

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Calendar No. 2340

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2316

MRS. RIVA KAGAN

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3171]

The Committee on the Judiciary, to which was referred the bill (S. 3171) for the relief of Mrs. Riva Kagan, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who is afflicted with tuberculosis in behalf of the wife of a legal resident alien of the United States. The bill provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 44-year-old native and citizen of Poland, presently residing in Germany. Her husband and two daughters were admitted to the United States for permanent residence December 7, 1951, but she was found ineligible for a visa because of tuberculosis. Surgery has removed most of the diseased lung tissue and the remaining affected area appears to be healing satisfactorily. The husband has been steadily employed since his arrival in the United States. The children, aged 17 and 9, need their mother. The beneficiary's uncle and aunt have agreed to advance transportation funds for her travel and the Milwaukee sanatorium has agreed to take care of her if she needs further treatment.

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A letter, with attached memorandum, dated May 11, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3171) for the relief of Mrs. Riva Kagan, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Milwaukee, Wis., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are afflicted with certain diseases, and would permit the beneficiary to enter the United States for permanent residence if she is found to be otherwise admissible. The bill further provides that she be admitted under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. It would also require that a bond be deposited to insure that the beneficiary shall not become a public charge. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. RIVA KAGAN, BENEFICIARY OF S. 3171

Information concerning this case was obtained from Mr. Leo Kagan, the beneficiary's husband.

The beneficiary, Mrs. Riva Kagan, a native and citizen of Poland, was born on June 28, 1911. She married Leo Kagan, a native and citizen of Poland, on June 5, 1937, in Poland. The beneficiary resides in a sanatorium at Gauting b. Munich, Germany. Her husband and two daughters entered the United States as displaced persons for permanent residence on December 7, 1951.

The beneficiary attended elementary school for 5 years. She is unemployed and has no assets, however, she receives $5 a week, food, and clothing from her husband. Her parents are deceased.

The beneficiary has never been in the United States. According to her husband, the first evidence of her affliction with tuberculosis was revealed by the physical examinations received in connection with her application for a visa in 1951.

He further advised that she is in good health at this time, but takes tests periodically.

The beneficiary's husband, Leo Kagan, and their two daughters, natives and citizens of Poland, reside at 2729A North Seventh Street, Milwaukee, Wis. Mr. Kagan is employed by a glass company as a laborer and also has a part-time job as a janitor. He earns $90 a week and has $200 in savings and personal property. The Muirdale Sanatorium, a Milwaukee County institution, has agreed to accept the beneficiary for treatment when she arrives in the United States. The beneficiary's uncle and aunt, residents of Milwaukee, Wis., will loan Mr. Kagan sufficient money to pay for the beneficiary's passage to the United States and for her medical treatment.

Senator Alexander Wiley, the author of the bill, has submitted the following information in connection with the case:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
PUBLIC HEALTH SERVICE,
Washington, D. C., January 4, 1956.

Hon. PAUL H. DOUGLAS,
United States Senate.

DEAR SENATOR DOUGLAS: This is in further reference to the immigration case of Mrs. Riva Kagan, who has been denied a visa at the American Consulate General, Munich, Germany, because of pulmonary tuberculosis.

A report has been received from Dr. Charles P. Stevick, public health medical officer at Munich, stating that Mrs. Kagan's case was last reviewed on July 26, 1955. Sometime previously she had undergone chest surgery with removal of a part of one lung. Comparison of preoperative and postoperative X-ray films showed that all of the diseased lung tissue had not been removed. The remaining diseased area had reacted favorably after the operation, as indicated by a reduction in size and increase in density. However, the disease was still considered to be active.

Dr. Stevick made no recommendation as to further medical treatment. However, shortly after his review, a medical officer from the Munich tuberculosis control office visited Dr. Stevick and stated that he would arrange for continuing study of the case and that he might recommend further treatment, probably including surgery.

When Dr. Stevick received our recent inquiry, he learned through the sponsoring welfare agency that Mrs. Kagan was under treatment at the Gauting Sanatorium, where she was admitted in September. He was informed by the attending physician that she had been receiving drug therapy and that the lesion in question had regressed to approximately one-fourth of its previous size. The date of her release from the sanatorium had not yet been determined, but her physician stated that he has not advised further surgery.

In view of the above circumstances, Mrs. Kagan must be considered as disqualified to receive a visa at this time. After her treatment has been terminated she may be continued under observation; however, favorable action cannot be taken until her disease can be shown to have remained healed and inactive for 1 year.

We regret that we cannot give you a favorable report in regard to Mrs. Kagan at this time.

Sincerely yours,

J. MAEUR.
Assistant Surgeon General,
Chief, Bureau of Medical Services.

MEDICAL TESTIMONY

Mrs. ——— ——— called on us in September 1955 in order to consult us regarding the condition of her lungs. Mrs. K. has a condition tending to cavernous tuberculosis on the left in the region of the upper plurea, which has been treated conservatively as well as by resectioning of the first with the fifth rib, by left side thoracic plastic. On the occasion of her planned immigration Mrs. K. wanted us to operate on her because of a focal infection that has been established in the region of the left midportion underneath the restricted upper plurea. We have advised the patient against further operations since in our opinion the tuberculosis can be considered as inactive and healed. Tubercular bacilli were not found in her sputum and the sedimentation rate was within normal limits.

(Signed) ——— ———.

PITTSBURGH PLATE GLASS CO.,
Milwaukee, Wis., August 10, 1955.

To Whom It May Concern:

Leo Kagan has been employed by us since December 1951 in the capacity of a glass polisher in our silvering shop.

His position is of a permanent nature and his earnings are approximately $300 per month.

Yours very truly,

H. W. PREISS, *Superintendent.*

UNIVERSITY OF ILLINOIS,
DEPARTMENT OF SOCIOLOGY AND ANTHROPOLOGY,
Urbana, Ill., February 6, 1956.

Senator ALEXANDER WILEY,
Senator from Wisconsin,
Washington, D. C.

DEAR SENATOR WILEY: In pursuance of the conversation held in your office on the afternoon of February 3, I respectfully submit the following statement concerning my first cousin, Mrs. Riva Kagan, whose present address is Reg. Lager Fohrenwald, Illinois Str. 11, Wolfratshausen, Germany, U. S. Zone.

This statement is intended to supplement your gracious effort to propose a private bill to enable the Immigration Service to waive the qualification of arrested TB in granting a visa at the earliest opportunity.

Mrs. Kagan is a Polish national, coming from a small town, Kurenitz, near Vilna. With the invasion of this area, first by the Russians,

then by the advancing Germans, she found herself and her two children in a number of successive concentration camps of Siberia and occupied Poland. One of these children died of starvation. A third child was born in one of these camps. A full tale of the eventual escape by Mr. Leo Kagan, his wife and two children, from a German camp to the western zone via freight train, interminable wandering, and underground smuggling, would repeat the pathetic tale of many other victims of that whole barbaric episode.

The last chapter of the family group occurred in the refugee camp in which Mrs. Kagan finds herself today. Five years ago the father and the daughters, then about 13 and 4 years of age, were admitted to the United States. The wife had contracted tuberculosis along the line, and was left behind in a Government sanatorium.

Mr. Kagan came to Milwaukee, where with the help of relatives, he immediately found a good job at the Pittsburgh Plate Glass Co., where he is an expert on mirrors, and where he is still employed. At first he and the children lived in the home of his wife's aunt and uncle, Mr. and Mrs. John Holman, 2835 North 44th Street, Milwaukee. Eventually, he established a rented home which he and his daughters now occupy at 2729A North Seventh Street. It is a home, one need hardly add, which has missed acutely the guiding hand of a mother during the highly important formative years of children growing into adolescence and puberty.

Mrs. Kagan, meanwhile, had been spending 4 years in a German sanatorium, south of Munich. In the third year, she underwent surgery. Sometime in 1954 she was released as an arrested case. In the camp, where she has lived for the past year or more since release, she has been supported by help of the Government, an American agency, with assistance from her husband. A visible indication of the excellent health she now enjoys is seen in a recent photograph sent to the undersigned, and attached to this letter.

It had been my understanding from conversations with the family in Milwaukee, that many letters had formerly been sent to various agencies and persons in government, to facilitate Mrs. Kagan's visa. Last summer, in a personal telephone conversation with Mr. Raymond Firth and the physician of the United States Public Health Service, Dr. Charles Stevick, I was therefore considerably surprised to learn that the vice consul, Mr. Firth, had no record of Mrs. Kagan in the files. These gentlemen, then and subsequently, displaced interest in the case and have extended excellent cooperation to me. An appointment was made for X-rays to be taken on July 12, through which Dr. Stevick could compare fresh X-rays with those upon release from the hospital.

The reports I have received from the consul in Munich, following these medical examinations, can be found in the summary of January 4, a final summation of the case made at the request of Senator Paul Douglas of my State. That letter is now in your possession. It indicates that according to American standards, a minor bit of surgery is required before a visa can be considered, and that about a year would have to elapse to judge whether any regression has developed. Further, as I recall in the final report, there is a statement to the effect that the German physician himself recommended treatment. This last statement was contrary to my personal conversations with several physicians, including the director of the sanatorium. Subsequently, I

received in the mails the attached report from this physician, to which I attach an English translation.

I do not presume to dwell on this discrepancy; rather, to note that the obvious net result is that Mrs. Kagan simply remains suspended between the standards of the American and German, a situation in which on the one hand she must have surgery prior to admittance, and on the other, the physicians of the sanatorium refuse to operate, seeing no need.

Mr. Kagan will be a citizen of the United States in December of 1956. In my visit to your office on February 3, a member of your staff and I met with a member of the Senate Subcommittee on Immigration. It was considered there appropriate for the senior Senator from Wisconsin to present the private bill to waive the qualification of arrested TB. This can be done in good conscience, I respectfully suggest, with the following factors in mind:

1. Mrs. Kagan is the last remaining member of the family in Europe.
2. Mr. Kagan and his two daughters badly need and want their mother and wife.
3. The condition of the TB is no longer a serious one, even by standards of our own Health Service, but is relatively close to total arrest.
4. A letter will soon be forthcoming from a TB hospital in Milwaukee, to guarantee continued treatment of the case.
5. A legal statement of complete financial ability and willingness by the family has been completed and is on the way to the consul in Munich.
6. Mr. Kagan is close to full citizenship.

May I personally, and in the name of the family, express deep appreciation to you and your staff for your interest and cooperation in this highly important matter.

Sincerely yours,

MAX KAPLAN,
Assistant Professor, Sociology, Music Departments.

MILWAUKEE, WIS., *February 8, 1956.*

Senator ALEXANDER WILEY,
Senate Building, Washington, D. C.

DEAR SENATOR: Although I know our cousin, Max Kaplan, is doing whatever he can to help bring my mother, Mrs. Riva Kagan, to the United States, I would like to put in a personal plea for help. We are desperately in need of my mother. I am 17 years old; my little sister is 9; and my father lives in a rented flat. We are trying to make it seem like a home, but it just isn't. We need our wife and mother.

Please, Senator, help us get her to the United States. God bless you.

Sincerely yours,

LEO KAGAN.
MARVIN KAGAN.
HELEN KAGAN.

MILWAUKEE, WIS., *February 21, 1956*

Hon. Senator ALEXANDER WILEY,
Senate Building, Washington, D. C.

DEAR SENATOR: Please listen to part of my life story—as briefly as I can tell it to you. My name is Leo Kagan, and I was born in Kurnitz, Poland. I am now 46 years of age. I was married in Poland in 1937 and am the father of two girls, who today are 17 and 9.

When the war broke out in 1941 the Communists ordered me and my family to Siberia, where I worked in the mines. We were there until 1946, and then escaped to Leegnitz, Poland, where my second daughter was born.

Finding the Communists there, we fled to Czechoslovakia, from there to Austria (American Zone). From there we were sent to camp in Fritzlaar bei Kashel, in Germany (the American Zone). This was in 1946, and we were there until 1949. In 1949 we were liquidated to a camp in Wetzler, Germany. We were there for a few months and from there sent to Stuttgart, where my wife became ill with TB. She was taken to a sanitorium in Amberg. From Amberg she was transferred to a sanitorium in Gouting bei Munich. In December of 1951, with the help of H. I. A. S. and relatives in Wisconsin, we arrived in the United States. By we—I mean myself and two daughters, Helen who is now 17 and Marcia, who is 9. My dear wife was not allowed to leave with us. This is why I want you to listen to my plea. My wife is now in good health—she was discharged from the sanitorium in 1953, and I beg you to help us bring her to the United States. She is well, why can't we have her with us? My children and I need her so badly and she is so very lonesome for us. We are so afraid she will become ill again due to her heartaches and lonesomeness. We have been separated so many years, and it is so difficult raising children without their mother. We have endured so much.

My wife doesn't even know what a tragic thing happened since our arrival in the United States. My older daughter, who was 14 at the time, lost her eye due to a bow-and-arrow shot by a playmate of hers. We have had too much tough luck. Can you see it in your heart to help me? My daughters are in their formulative years and need their mother's guidance.

I still have the first job I got the first week I arrived in this country. It is for the Pittsburgh Plate Glass Co., and have been working steadily. We have a small rented flat—but will do all right if you will help us bring my wife to the United States.

God bless you for your interest. We will never forget you.

Sincerely yours,

LEO KAGAN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3171) should be enacted.

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Calendar No. 2341

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2317

HENRY LAPPEMAN

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3194]

The Committee on the Judiliary, to which was referred the bill (S. 3194) for the relief of Henry Lappeman, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the father of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 71-year-old native and citizen of France, presently residing in Paris. His wife and daughter were admitted to the United States for permanent residence some years ago. The wife died March 5, 1956. The daughter was naturalized a citizen of the United States in 1953. The beneficiary entered the United States on November 5, 1948, as a visitor and voluntarily departed June 17, 1954. He is unable to obtain a visa because of a conviction of swindling in 1943 for which he was given a 2-year suspended sentence. Information is to the effect that as a wine salesman in 1943 the beneficiary took a number of orders for deliveries of wine which his employer was unable to fill. Meanwhile the beneficiary had taken deposits from the customers and had used the money as his advance commissions on the sales. The customers were subse-

quently reimbursed by him. Without the waiver provided for in the bill, he will be unable to enter the United States to live with his daughter.

A letter, with attached memorandum, dated May 11, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3194) for the relief of Henry Lappeman, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Miami, Fla., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, and would authorize the alien's admission for permanent residence if he is otherwise admissible under that act. It would further provide that this exemption shall apply only to grounds for exclusion of which the Secretary of State or the Department of Justice has knowledge prior to the enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HENRY LAPPEMAN, BENEFICIARY OF S. 3194

Information concerning the case was obtained from Miss Simone Lappeman, daughter of the beneficiary.

The beneficiary was born on May 24, 1885, in Paris, France. He resides at 3 Rue Parrot, Paris, France. The extent of his education is unknown. The beneficiary is unable to work because of his age and health. He has no tangible assets and is wholly dependent upon his daughter for support. He was formerly a wine salesman in France. His brother was last known to reside in England. His wife, who had been admitted to the United States for permanent residence, died on March 5, 1956.

The beneficiary was arrested in Nice, France, on May 29, 1943, on a charge of swindling. He was convicted on September 15, 1943, and received a suspended sentence of 2 years. His daughter stated that the charge was based on the beneficiary's having taken advance deposits of cash from customers with their orders for wine, which his employer thereafter failed to fill. She also stated that the cash deposits represented his commissions on the sales in accordance with his

employment agreement and that he subsequently returned the deposits.

The beneficiary was admitted to the United States on November 5, 1948, as a visitor. Deportation proceedings were instituted against him on April 1, 1954, on the grounds that he had failed to comply with the conditions of his admission as a visitor and that he had been convicted of swindling, a crime involving moral turpitude, prior to entry into the United States. He was granted the privilege of voluntary departure and so departed on June 17, 1954. He was refused an immigrant visa at the American Embassy in Paris, France, in July or August 1954 on the ground of the above conviction.

The beneficiary served in the French Army from 1905 to 1909 and from 1914 to 1919.

The beneficiary's daughter, Miss Simone Lappeman, was born on December 27, 1919, in Paris, France. She became a citizen of the United States by naturalization on November 30, 1953. She has never been married. She resides at 1413 Northeast Seventeenth Way, Fort Lauderdale, Fla. Her education consists of attendance at private schools in Paris, France, for 11 years. She owns and manages a retail ladies' dress and beachwear shop in Fort Lauderdale, Fla., from which she derives an income of between $500 and $600 a month. Her other assets consist of her home valued at $17,000, on which there is an unpaid mortgage balance of $8,000, and a 1955 Chevrolet automobile. She was formerly employed as a saleslady by Hattie Carnegie's Dress Shop in New York, N. Y.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information concerning the beneficiary.

Senator George A. Smathers, the author of the bill, has submitted numerous letters and documents in connection with the case, among which are the following:

DEPARTMENT OF STATE,
Washington, December 27, 1954.

Hon. GEORGE SMATHERS,
United States Senate.

DEAR SENATOR SMATHERS: Reference is made to my letter of October 8, 1954, concerning the visa application of Mr. Henri Lappeman.

A communication has now been received from the American Embassy at Paris which states that Mr. Lappeman is ineligible to receive the benefits provided in Public Law 770. He is therefore still ineligible to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act as a person who has been convicted of a crime involving moral turpitude.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

FORT LAUDERDALE, FLA., *October 28, 1955.*

Hon. GEORGE SMATHERS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR SMATHERS: You will perhaps recall that some time ago I discussed with you the question of introducing a private bill providing for the immigration of my father, Mr. Henry Lappeman, to the United States. At that time you suggested that I wait until all administrative procedures had been exhausted. As a result of your suggestion I filed a petition with the Immigration Service for the issuance of an immigration visa to my father as the parent of a United States citizen. As you know, this would have conferred upon him the right to obtain a second preference visa to the United States. After my petition had been approved by the Immigration and Naturalization Service and notice of that approval had been sent to the office of the American consul in Paris, France, by the Visa Office, I notified my father to present himself at the consul's office for the purpose of making another application for an immigration visa to the United States.

He applied at the American consul's office for a registration form and, by reason of the fact, that he had suffered a conviction for embezzlement at the time that France was occupied by the Nazi-Germans and at a time that the Nazis controlled France and the courts and were convicting people right and left of trumped-up charges for their own mercenary purposes my father was so convicted. I am obtaining from him and will send to you a résumé of the facts and circumstances which led up to this conviction. In spite of the fact that he was convicted of this crime which he knew that he had not committed and for which he was not guilty because he was prevented from fulfilling his contracts and orders by the Nazis in France, he made full and complete restitution to every customer who had paid him in advance for wine which he was selling, he was refused a registration by the consul. I have received a letter from my father dated October 18, 1955. In this letter he states, "you know how I have been received by the American consulate in Paris, when I asked for a visa. They looked at me as the biggest crook and of course it didn't fit with the excellent information they should have been able to get on me for the 6 years during which I lived in America."

As I told you, my father was in the United States as a visitor. The Immigration and Naturalization Service called him on various occasions and conducted interrogations for the purpose of obtaining full and complete information concerning his conviction in France. I am sure that the records of the Immigration and Naturalization Service will indicate that he cooperated fully with them, attended regularly as requested, and answered each and every question propounded to him in a full and clear manner. I am further certain that if the Immigration and Naturalization Service conducted any personal character investigations on him, at any time during the period that he was in the United States, their files will indicate that he conducted himself as a person of good moral character, a gentleman and a firm believer in all of the principles of right, justice, and democracy.

This letter, indicating that the consul has refused to issue a visa to him after having become entitled to a second preference visa as a result of my being a United States citizen, should clearly indicate to you that he and I have exhausted all administrative procedures.

As you well know, the Immigration and Nationality Act does not contain any provisions authorizing an appeal or a reconsideration of the decision of a consul abroad. I do recall that in the bills suggested, I believe by Senator Lehman and perhaps Congressman Celler, they made provisions for a board of review which would accept appeals from such decisions of the consuls. However, I understand that these provisions were not incorporated into the existing McCarran-Walter Act and therefore there are no further steps which either I or my father can take in his endeavor to emigrate to the United States.

As you will perhaps recall, I am living with my mother and my aunt. Neither of these ladies can or do work and they are completely supported by me. Because of my father's age—going on his 71st birthday—and because of the serious condition of his health, he is unable to work or be employed in France. As a result he is entirely dependent upon me for support. As you can well appreciate, it costs substantially more to support two households than it does to support one. In the event that my father could be in the United States with his wife and with me and live in my home, it would cost me comparatively little for his full support and maintenance. Living in France costs me a very substantial sum of money each and every month for living and for medical expenses. I believe that this recitation should indicate to you that I am suffering serious economic detriment, as a citizen of the United States, by reason of the fact that I am the only means of support which my father has. In addition, I believe that you will find that this separation results in exceptional and extremely unusual hardship to my father, to my mother, and to myself.

Even assuming that my father had actually been guilty of a crime, he has proven by his subsequent actions and by his subsequent life that he has completely reformed and rehabilitated himself and has become a worthwhile member of society. Investigation in France will prove that this is so and, as I previously stated, the records of the Immigration and Naturalization Service should show that this was so during the time that he visited in the United States.

By reason of his advanced age, by reason of his ill health, by reason of the fact that he does not have many years of life left to him, by reason of the fact that he is entirely dependent upon me for support, and by reason of the fact that he should be given an opportunity of living out his remaining few years in peace and contentment with his wife and his only child, I implore you to submit, at the opening of the next session of Congress, a private bill providing for his immigration to the United States. Such an act on your part will be an act of faith and an act of charity. May I take this means of assuring you that I shall never forget your kindness in behalf of my mother and myself and my father in this regard and shall avail myself of every opportunity of advising all of my friends and acquaintances in my home State of Florida of your endeavors to be of assistance in this regard.

Yours very truly,

SIMONE LAPPEMAN.

FORT LAUDERDALE, FLA., *January 28, 1956.*

Hon. GEORGE SMATHERS,
United States Senate,
Washington, D. C.

DEAR SENATOR: First of all I want to apologize to come to disturb you with my problems but today my situation is more than sad and I think you are the only person who can help me.

As you might remember I came to see you last year and wrote to you to ask you to help me to bring back my father from France to the States. So far we have been unsuccessful. Before the reasons to have my father back to this country were his health, his age, the hardship of the separation, and the terrific expenses it causes me by the fact that I have to support him in France.

Now, something else came up. My mother, who lives with me in Fort Lauderdale, has lukemia and the doctor does not give me any hope about her. Only X-rays and blood transfusions give her some life prolongation. It might be a question of days or months; we really do not know. We will do the impossible for her, but she has to see father before she goes.

Do I have to tell you, dear Senator, that I beg you to help me. Please bring back my father to America before it's too late. Any kind of visa but please do this miracle for me. My New York lawyer and friend Mr. Martin Blau will contact your office sometime next week when he will be in Washington. In the meantime, please see what you can do.

Thanking you very much, dear Senator, I am

Very truly yours,

Miss S. LAPPEMAN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3194) should be enacted.

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Calendar No. 2342

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2318

HELEN MAR STANGER

JUNE 25, (legislative day, JUNE 22), 1956—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3196]

The Committee on the Judiciary, to which was referred the bill (S. 3196) for the relief of Helen Mar Stanger, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable a former native-born citizen of the United States to regain her United States citizenship which was lost under the provisions of section 401 (e) of the Nationality Act of 1940.

STATEMENT OF FACTS

The beneficiary of the bill is a 70-year-old native of the United States who was married to a British subject in London, England, on October 23, 1924 and thereafter resided in England. Her husband died on January 27, 1955 and she was admitted to the United States at New York, N. Y., on November 5, 1955 as a visitor. She had voted in a political election in England, in 1949, thereby losing her United States citizenship. The beneficiary has no relatives abroad and presently resides with her niece in Norfolk, Va.

A letter, with attached memorandum, dated May 16, 1956 to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 16, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3196) for the relief of Helen Mar Stanger, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Norfolk, Va., office of this Service, which has custody of that file.

The bill would provide that the beneficiary, who lost her United States citizenship by voting in a political election in a foreign state, may be naturalized by taking, prior to 1 year after the date of the enactment of this act, before any court referred to in section 310 (a) of the Immigration and Nationality Act, or before any diplomatic or consular officer abroad, the oaths prescribed by section 337 of the foregoing act. The bill would also provide that from and after naturalization in accordance with the provisions of such bill, the beneficiary shall have the same citizenship status as that which existed immediately prior to its loss.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HELEN MAR STANGER, BENEFICIARY OF S. 3196

The beneficiary, whose maiden name was Helen Mar Steele, was born on June 10, 1886, in Oil City, Pa. She attended school for 13 years in Oil City, Pa. The beneficiary married Frank R. Stanger, a British subject, in London, England, on October 23, 1924, and thereafter resided in England. Mr. Stanger died in England on January 27, 1955.

The beneficiary voted in a political election in England in 1949, thereby losing her United States citizenship. She returned to the United States and was admitted as a visitor at New York, N. Y., on November 5, 1955. The beneficiary has no relatives abroad. She has two nieces and a nephew who reside in the United States. She presently resides with her niece and her niece's husband, Mr. and Mrs. Frank George, in Norfolk, Va. The beneficiary presently has a small income. However, beginning this fall she will receive approximately $3,300 annually from her late husband's estate.

Senator Harry F. Byrd, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

NORFOLK, VA., *January 26, 1956.*

Mr. W. L. PRIEUR, Jr.
Norfolk, Va.

DEAR BILLY: I am writing you a few facts concerning Mrs. Helen Mar Stanger, whom you were kind enough to see on day before yester-

day. Since you have met the lady in person and are well acquainted with her relatives here, I shall not burden you with too many details.

She was born in Pennsylvania in 1886, and her maiden name was Helen Mar Steele. She lived in this country until 1924, in which year she was married in England to F. Railton Stanger, and she has resided in that country since. She has made numerous trips back to the United States visiting friends and relatives.

Although her husband was an Englishman, Mrs. Stanger had always desired to retain her American citizenship. It so happens, however, that on one occasion she did cast a vote in a local councilmanic election in the small community in which they lived. She never registered as an English voter, nor did she ever vote in a national election. Later in 1949, in response to a routine inquiry from the American Embassy, Mrs. Stanger very truthfully stated that she did vote for a council member on this one occasion. To her amazement, she was informed that this one act caused her the loss of her American citizenship.

Naturally, Mrs. Stanger was not aware of these consequences or she never would have participated in this election, which I understand was a community affair. She was informed that in order to regain her American citizenship it would be necessary to reestablish permanent residence in this country, and as her husband, Major Stanger was still living, it was impossible for her to do this. Major Stanger died in January 1955, and since that time she has been alone in England.

Mrs. Stanger is now visiting here, and her present visa expires in May. She has always regarded herself as an American (that one fatal blunder to the contrary notwithstanding) and she naturally would like to spend her few remaining years here with her relatives, and in the country of her birth.

It is doubtful, if at her age she will live long enough to be naturalized under the usual 5-year procedure. Under the circumstances, she felt that perhaps Senator Byrd might be good enough to help her, and that her citizenship might be restored by an act of Congress. She will be most happy to go to Washington and see the Senator in person, if he desires to interview her.

This is an extremely meritorious case, and Mrs. Stanger has grieved no end over the unfortunate loss of her American citizenship through an inadvertance as above indicated. I hope that you will be kind enough to ask Senator Byrd to help her, which she and her relatives and friends here would deeply appreciate.

With kind personal regards, I am

Sincerely,

MICHAEL B. WAGENHEIM,
Attorney and Counselor at Law.

NORFOLK, VA., *February 3, 1956.*

Mr. W. L. PRIEUR, Jr.,
Clerk, Corporation Court of the City of Norfolk,
Norfolk, Va.

DEAR BILLY: With reference to Senator Byrd's letter of February 1, 1956, to you, regarding the restoration of the citizenship of Mrs. Helen Mar Stanger, I have obtained the information requested by him.

Mrs. Stanger lost her American citizenship under section 401 (e)

of the Nationality Act of 1940. Passport No. 25879 issued to her by the Department of State on March 10, 1947, was surrendered by her, at the request of the American Embassy in London, by reason of the fact that she had voted in a local council election at Littlebourne, Kent.

I do hope that Senator Byrd's efforts in her behalf will be successful. I was always under the impression that there had to be an intention to renounce citizenship, and Mrs. Stanger had no idea that casting a vote in a local election of this kind would bring about this result.

Please be assured that Mrs. Stanger is extremely grateful to you and Senator Byrd for your cooperation in this matter.

With kindest personal regards, I am

Sincerely,

MICHAEL B. WAGENHEIM,
Attorney and Counsellor at Law.

THE SEABOARD CITIZENS NATIONAL BANK OF NORFOLK,
Norfolk, Va., February 7, 1956.

Hon. HARRY F. BYRD,
United States Sneator,
Care of Mr. W. L. Prieur, Jr., Norfolk, Va.

DEAR SENATOR BYRD: At Billy Prieur's suggestion, I am sending this letter to you through him.

I am extremely interested in aiding in any way possible Mrs. Helen Stanger's effort to have restored her American citizenship.

Mrs. Stanger, then Miss Steele, was a close and intimate friend of my aunt, Miss Alethia Serpell. During the First World War, they were both very active here in Norfolk in civilian activities connected with the war effort.

I have known Mrs. Stanger since my early childhood. As a commentary on her courage, she undertook to teach a group of us, when we were children, some of the social graces, including ballroom dancing. I agree with my friend Billy and my wife that she made a dismal failure in the effort she expended on me.

After her marriage, we maintained our friendship through her two nieces, Mrs. W. W. Moss and Mrs. J. Frank George, Jr. My wife, before we were married, visited her home in England.

Her case impresses me as a meritorious one and deserving of all of the help we can give her. I know she has always felt that she was an American citizen even though married to an Englishman. Her loss of citizenship was through inadvertence rather than intention.

Any assistance that you can give her will be appreciated by her many friends here in Norfolk.

Yours very truly,

J. HOGE TYLER III, *President.*

COMMONWEALTH OF VIRGINIA,
SENATE, THE CAPITOL,
Richmond, Va., February 13, 1956.

Hon. HARRY F. BYRD,
Senate Office Building, Washington, D. C.

DEAR SENATOR: I am writing you in the interest of Mrs. Helen Mar Stanger, who was before her marriage to F. Railton Stanger (an Englishman), Helen Mar Steele, of Oil City, Pa. She was a resident

of Norfolk for a great many years, and her sister was Mrs. George H. Lewis, of Norfolk. I knew her well in my younger days, as one of my closest friends was Henry Lewis, her nephew, the son of George H. Lewis.

Inadvertently she lost her American citizenship through voting in some local election in England, and I am most anxious to help her have her citizenship restored, as her husband is dead and she wishes to return to this country to live. If there is anyway that you can bring this about, I know it will be greatly appreciated by her family.

Trusting that things are well with you, and with kindest regards,

Sincerely,

ROBERT F. BALDWIN, Jr.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3196) should be enacted.

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Calendar No. 2343

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2319

SAVERIA VELONA GANGEMI

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3206]

The Committee on the Judiciary, to which was referred the bill (S. 3206) for the relief of Saveria Velona Gangemi, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has sought to procure a visa by misrepresentation in behalf of the mother of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 61-year-old native and citizen of Italy, presently residing there. She came to the United States in 1924, but was refused admittance because she was suffering from a contagious eye disease. She then returned to Italy with her infant son. Her husband was able to enter the United States and eventually acquired citizenship. About the time of his death in 1946, the beneficiary's son entered the United States as a stowaway, but his status was adjusted and he acquired citizenship in 1953. He married an American citizen and they have children whom the beneficiary has never seen. The beneficiary has been found to be ineligible to receive a visa because in connection with her application, she made certain misrepresentations with reference to her previous exclusion. Without

the waiver provided for in the bill, she will be unable to enter the United States to make her home with her citizen son.

A letter, with attached memorandum, dated May 17, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 17, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3206) for the relief of Saveria Velona Gangemi, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of that file.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who seek to procure, or have sought to procure, or have procured a visa or other documentation, or seek to enter the United States, by fraud, or by willfully misrepresenting a material fact and would authorize the alien's admission for permanent residence if she is otherwise admissible under that act. The bill provides that this exemption shall apply only to grounds for exclusion of which the Secretary of State or the Attorney General has knowledge prior to the enactment of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION FILES RE SAVERIA VELONA GANGEMI, BENEFICIARY OF S. 3206

Information concerning this case was obtained from the beneficiary's son, Joseph Gangemi.

The beneficiary, whose maiden name was Saveria Velona, was born on June 18, 1895, in San Cristina, D'Aspromonte, Reggio Calabria, Italy. Her parents are deceased. She has 1 brother who resides in Italy and 1 sister who resides in the United States. The beneficiary married Joseph Gangemi in Italy in 1920. One son, Joseph, was born of this marriage in Italy on September 21, 1921. The beneficiary is a widow. Her husband, who was a citizen of the United States, died in New York City on August 26, 1946. The beneficiary attended school in her native country for 5 years. She is presently a housewife and resides in San Cristina, D'Aspromonte, Reggio Calabria, Italy, where she owns two homes.

The beneficiary applied for admission to the United States as an immigrant on February 26, 1924, at New York, N. Y. She was found to be afflicted with trachoma, excluded from admission, and returned to Italy. The beneficiary applied

for an immigrant visa at the American consulate in Palermo, Sicily, Italy. She was refused such visa on the ground that she had failed to disclose that she had been previously excluded from the United States.

The interested party, Joseph Gangemi, who is the beneficiary's son, served in the Italian Army during World War II. He entered the United States as a stowaway in August 1946. His status was adjusted on August 28, 1950, to that of a permanent resident. He was admitted to United States citizenship on April 6, 1953. Mr. Gangemi owns and operates a tailor shop in New York City. He resides in Jersey City, N. J., with his wife, who is a citizen of the United States. Mr. Gangemi states that his mother is not now afflicted with trachoma.

The committee may wish to request the Bureau of Security and Consular Affairs, Department of State, to secure additional information concerning the beneficiary.

Senator H. Alexander Smith, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

DEPARTMENT OF STATE,
Washington, February 7, 1955.

Hon. H. ALEXANDER SMITH,
United States Senate.

DEAR SENATOR SMITH: Reference is made to your letter of January 24, 1955 (which was acknowledged by telephone on January 26) transmitting the attached communication from Mrs. Sabina Bannon, executive secretary of the International Institute of Jersey City, 270 Fairmount Avenue, Jersey City, N. J., relative to her interest in the visa case of Mrs. Saverin Velona Gangemi.

The Department received a communication from the American consulate general at Palermo which contains the following information concerning Mrs. Gangemi's case:

Mrs. Gangemi was again interviewed at this office on December 15, 1954. Prior to preparing to take a sworn statement from her, she was again questioned regarding her alleged exclusion and deportation from the United States on April 5, 1924. She again denied categorically that she had ever applied for admission to the United States, that she had ever been excluded or deported, or even that she had ever left the place of her residence in Italy. When Mrs. Gangemi was told that the consulate general has been informed by the immigration authorities in the United States of what their records showed regarding the exclusion and deportation of a person by her name, she paused, and stated that everything she had said in the past was untrue.

Mrs. Gangemi was then asked specifically whether she lied when she swore under oath on a formal application for an immigrant visa executed at this office on August 13, 1953, that she had never been excluded or deported from the United States. She replied yes. She was also asked whether she lied to a consular officer in the course of an interview which took place at this office in January 1954. She replied yes.

In the light of the admission by Mrs. Gangemi that she made false statements on 3 occasions, 1 of which was under oath, that the

false statements included a statement of a material matter, and that she willingly and knowingly made such statements, the responsible consular officer feels that he has no choice other than to refuse a visa to her under section 212 (a) (19) of the Immigration and Nationality Act as one who has sought to procure a visa by willfully misrepresenting a material fact. A formal refusal is being made.

In view of the foregoing, it appears that there is no further action which may be taken on Mrs. Gangemi's case.

With kind regards,

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

INTERNATIONAL INSTITUTE OF JERSEY CITY,
Jersey City, N. J., January 20, 1955.

Hon. H. ALEXANDER SMITH,
Senator, Washington, D. C.

MY DEAR SENATOR SMITH: I certainly appreciate the great efforts you are making in behalf of Saverin Velona Gangemi.

I realize the expense and kindness you are showing to me, and I know there is no way that I can repay you; only my sincere thanks.

I do feel that the following information as relayed to me by Mrs. Gangemi's son may straighten out a misunderstanding in this particular case.

Mrs. Gangemi, when originally interviewed by the consulate was asked if her son was in the United States at a certain time. At that time, he was in the United States illegally, and Mrs. Gangemi was unaware that he had left Genoa and had come to the United States. She thought he was in Genoa, Italy. Her son had not communicated his presence in the United States to his mother. Since he was here illegally, he did not wish his mother to know his whereabouts.

When Mrs. Gangemi realized her son was in the United States it was not at the time he was here illegally. When Mrs. Gangemi was being interviewed for the second time by the consulate, she stated that they insisted that she knew that her son was at one time in the United States illegally. Although the woman did not know it, and had stated that previously, in their cross-examination, this old woman became confused and in the excitement and the desire to agree and please the consulate she said yes. The paramount thought in her mind must have been that by saying no previously she was antagonizing her interrogators, and thus eliminating her opportunities to come to the United States.

I do not know if this section of the law was designated to prevent an aged widow mother from being reunited with her family. I do not think this was the purpose of the law.

I am cognizant of the complexities of this case. This later development adds to my own helpless feeling. I do however hope that the above information will be of some help to you in your efforts to aid me and the Gangemi family. In any event, I want you to know that your kindness and understanding is helping me, and has helped me, to

extend a ray of hope to all these people of many different lands that I meet in my daily work.

With best wishes and God's Blessings, I am

Sincerely,

SABINA BANNON,
Executive Secretary.

INTERNATIONAL INSTITUTE OF JERSEY CITY,
Jersey City, N. J., November 12, 1954.

Hon. H. ALEXANDER SMITH,
Washington, D. C.

MY DEAR SENATOR SMITH: Mr. Joseph Gangemi, 2700 Hudson Boulevard, Jersey City, N. J., has asked our organization to write you concerning the present immigration status of his mother, Saverina Velana Gangemi, residing at Santa Christina D'Aspromo, Province, Reggio Calabria, Italy.

We understand that Mrs. Gangemi's petition has been approved over a year; but the consulate states certain aspects of the case must be further investigated before her eligibility to receive a visa is determined.

Mr. Gangemi is an American citizen, his mother is a widow, living alone, and he is anxious to have her live with him during her remaining years. He states that his mother is a real home-type person, who never bothered with politics or anything else. He feels that someone who is unfriendly to his mother has misrepresented certain facts to the consulate.

Would it be possible for you to obtain some information and ascertain the reason for this long investigation of Mrs. Gangemi?

This woman has never seen her daughter-in-law nor her grandchildren and the son feels that she would be very happy living with him and sharing his home. She is alone in Italy and he is so very anxious to make the remaining years of her life happy.

Thank you for your many past favors.

Sincerely,

SABINA BANNON,
Executive Secretary.

DEPARTMENT OF REVENUE AND FINANCE,
Jersey City, N. J., July 7, 1955.

Re Joseph Gangemi, son of Mrs. Saveira Gangemi.

Hon. ALEXANDER SMITH,
Senator, Senate Building,
Washington, D. C.

DEAR SENATOR SMITH: In reply to your letters concerning the background of Joseph Gangemi, our information is rather incomplete. He came into this country from Italy in 1946 and just recently obtained his citizenship papers. He is married, has two children and reportedly a designer of men's clothing connecting with the Jackie Gleason show.

He earns around $150 a week and little is known of him. Several reports that I have received say that he is apparently highly regarded

among his neighbors. There is little more to be gleaned than the fact that he is quiet and unassuming.

I hope that this rather sketchy rundown will be helpful and let me assure you that if I obtain any further information I will forward it to you.

With warmest personal regards, I am,

Sincerely,

DON, *Director.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3206) should be enacted.

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Calendar No. 2344

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2320

PAUL EDWARD HORN

JUNE 25 (legislative day, JUNE 22), 1956—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3209]

The Committee on the Judiciary, to which was referred the bill (S. 3209) for the relief of Paul Edward Horn, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable a former citizen of the United States to regain his United States citizenship which was lost under the provisions of section 401 (c) of the Nationality Act of 1940.

STATEMENT OF FACTS

The beneficiary of the bill is a 76-year-old native of Germany who entered the United States as an infant and in 1888, acquired United States citizenship through the naturalization of his father. He is married to a native-born United States citizen. His business took him to Cuba where he and his wife have lived for a total of 45 years. Information is to the effect that he has made a considerable contribution to American trade and commerce with Cuba. The beneficiary is a veteran of the Spanish-American War, having enlisted in the Fisrt Illinois Volunteer Cavalry.

A letter, with attached memorandum, dated May 11, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3209) for the relief of Paul Edward Horn, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of that file.

The bill would provide that the beneficiary, who lost United States citizenship by continuous residence for 5 years in a foreign state, may be naturalized by taking, prior to 1 year after the date of the enactment of this act, before any court referred to in section 310 (a) of the Immigration and Nationality Act, or before any diplomatic or consular officer abroad, the oaths prescribed by section 337 of the foregoing act. The bill would also provide that from and after naturalization in accordance with the provisions of such bill, the beneficiary shall have the same citizenship status as that which existed immediately prior to its loss.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PAUL EDWARD HORN, BENEFICIARY OF S. 3209

Information concerning this case was obtained from the beneficiary's nephew, Adolf Bernhard Horn, Jr.

The beneficiary was born on March 19, 1880, in Stettin, Germany. He married Dolores Agramonte Wilson, a citizen of the United States, on June 7, 1916, in Habana, Cuba. The beneficiary resides with his wife in Habana, Cuba, where he is connected with the Paul E. Horn Co., importers of machinery. The beneficiary's investment in this company is valued at $30,000. He draws a salary of approximately $3,500 annually.

The beneficiary entered the United States in 1880. He derived United States citizenship through his father, who was naturalized at Chicago, Ill., on October 15, 1888. The beneficiary resided in the United States from 1880 to 1905 and was a member of the First Illinois Volunteer Cavalry during the Spanish-American War. He also resided in the United States from 1906 to 1909 and from 1929 to 1936, at which time he went to Cuba to reside. The beneficiary states it is his intention to retire from business and return to the United States with his wife to reside permanently.

The interested party, Adolf Bernhard Horn, Jr., the beneficiary's nephew, is a citizen of the United States. He is employed in the Foreign Service of the United States Department of State. He resides with his wife in Arlington, Va.

A letter dated March 21, 1956, to the chairman of the Senate Committee on the Judiciary from the Assistant Secretary, United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, March 21, 1956.

Hon. JAMES O. EASTLAND,
Chairman Committee on the Judiciary,
United States Senate.

DEAR SENATOR EASTLAND: Further reference is made to your letter of March 14, 1956, requesting a report on S. 3209, for the relief of Paul Edward Horn.

Paul Edward Horn was born in Germany in 1880, and emigrated to the United States in 1882. He acquired United States citizenship in 1888, through the naturalization of his father. Mr. Horn resided in Cuba from 1905 to 1930 and from 1935 to date. He lost United States citizenship under the provisions of section 404 (c) of the Nationality Act of 1940. The enactment of S. 3209 would restore that citizenship, provided Mr. Horn took the proper oath of allegiance within 1 year after enactment of the bill.

Mr. Horn has, throughout the years of his residence in Cuba, carried on a substantial business there, importing American goods and machinery to Cuba, and has thereby made a considerable contribution to American trade and commerce. However, his case was not technically within the scope of section 406(b) of the Nationality Act of 1940, and since he lost citizenship prior to the effective date of the Immigration and Nationality Act, his case cannot be considered under the provisions of section 354 of the latter act. The Department is advised that Mr. Horn has chosen to remain stateless since he lost United States citizenship, and continues to conduct himself as an American. His wife is a native-born American.

In view of the impelling circumstances in this case, the Department considers that the enactment of S. 3209 would be justified.

Sincerely yours,

ROBERT C. HILL,
Assistant Secretary
(For the Acting Secretary of State).

Senator Everett McKinley Dirksen, the author of the bill, has submitted the following information in connection with the case:

LA COMPANIA CUBANA DE CEMENTO PORTLAND,
Habana, Cuba, January 4, 1956.

To Whom It May Concern:

This is to certify that I have known Mr. Paul E. Horn for 30 years, and that he is a good citizen of finest integrity, and would be a credit to any country. In fact, it is only now that I learn that Mr. Horn is not a native-born American citizen. Furthermore, I now know that except for a technicality, he would still be classified as an American citizen.

It is with the greatest of satisfaction that I recommend, and respectfully urge the Congress of the United States, to restore to Mr. Horn his American citizenship which he so richly deserves.

S. THOMPSON.

HABANA, CUBA, *January 11, 1956.*

HON. JOHN G. HOOVER,
United States Consul General,
American Embassy, Calle M esq. Calzada, Vedado.

DEAR MR. HOOVER: I understand that through a technicality Mr. Paul Horn has lost his American citizenship. I know that Mr. Horn desires from sincere motives to regain his citizenship status. This is simply to say that I have known Mr. Horn for many years and I consider him a man of good character and worthy to be a citizen of our country. I have also known Mrs. Horn, and her family, for many years. She and her family have a very high standing in our community.

Telling you again that I am very sorry that you are leaving Habana and thanking you and Mrs. Hoover for all that you have done for our community and the help that you have given in our church and with every good wish to you, Mrs. Hoover and the family, I am

Sincerely,

ALEXANDER HUGO BLANKINGSHIP,
Bishop of the Protestant Episcopal Church in Cuba.

J. Z. HORTER CO.,
Habana, Cuba, January 5, 1956.

To Whom It May Concern:

I am very pleased to advise that during the 40 years that I have lived in Cuba I have known of Mr. Paul E. Horn and most of the time I have known him personally. He is well known in business circles in Cuba, especially in the machinery business. Also, Mr. Horn is well known in social circles both Cuban and American.

During the many years that I have known Mr. Horn I am glad to say that I have not heard anything derogatory against his character and I firmly believe that during all of this time he has felt and acted like a good American. It is my opinion also that his opinions coincide with the democratic principles as sponsored by the United States Government.

Very truly yours,

L. M. JOHNSON, *Vice President.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3209) should be enacted.

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Calendar No. 2345

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2321

MRS. THOMAS L. DAVIDSON

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3217]

The Committee on the Judiciary, to which was referred the bill (S. 3217) for the relief of Mrs. Thomas L. Davidson, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable a former native-born citizen of the United States to regain her United States citizenship which was lost under the provisions of section 401 (e) of the Nationality Act of 1940.

STATEMENT OF FACTS

The beneficiary of the bill is a 41-year-old native of the United States who married a British subject in 1938. She presently resides with her husband and three children in England, but is a frequent visitor to the United States. During the war years she lived in the United States and one of the children was born here. On applying for a renewal of her United States passport, it was discovered that she had voted in a local election in England in 1951, thereby losing her United States citizenship. The beneficiary states that she did not know that the act of voting in a British election would deprive her of United States citizenship which she values very highly.

A letter, with attached memorandum, dated May 22, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 22, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3217) for the relief of Mrs. Thomas L. Davidson, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service, which has custody of those files.

The bill would provide that the beneficiary, who lost her United States citizenship by voting in a political election in a foreign state, may be naturalized by taking, prior to 1 year after the date of the enactment of this act, before any court referred to in section 310 (a) of the Immigration and Nationality Act, or before any diplomatic or consular officer abroad, an oath prescribed by section 337 of the foregoing act. The bill would also provide that from and after naturalization under this act, the beneficiary shall have the same citizenship status as that which existed immediately prior to its loss.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. THOMAS L. DAVIDSON, BENEFICIARY OF S. 3217

Information concerning the case was obtained from Walter Smith Railsback, a friend of the beneficiary.

Mrs. Thomas L. Davidson, nee Brown, whose first name is Donaldine, a native of the United States, and a British subject, was born in Maplewood, N. J., on September 19, 1914. She resided in the United States from birth until 1937 when she made a trip to England and except for several short visits to the United States she has lived in England ever since. She married Thomas Leigh Davidson, a native of England and a British subject, at London, England, in April 1938. They have three children, Thomas Leigh, born in Surrogate, England, on March 22, 1939, William Christopher, born in Orange, N. J., on July 7, 1940, and Anne Carolyn, born in Ilkley, England, on November 3, 1943. Mrs. Davidson lives at Iddesleigh, Queens Road, Ilkley, Yorkshire, England, with her husband and children. She is unemployed but has an income of $275 every 3 months from a trust fund.

The beneficiary's husband is employed in Bradford, England by C. Davidson (Bradford), Ltd., a wool business and it is believed he also has an interest in that firm. Her mother and a sister, who are United States citizens, live in Emlenton, Pa., and another sister who is also a United States citizen lives in South Orange, N. J. Mrs. Davidson lost United States citizenship by voting in a British political election on May 5, 1951.

Walter Smith Railsback, a native citizen of the United States, was born on December 29, 1923. He was married to Mary Elizabeth Ott on July 8, 1944 in Newton, Mass. He lives at 184 Atlantic Avenue, Cohasset, Mass., with his wife and two minor children. He is employed by Richard Ott & Sons, wool merchants, at 256 Summer Street, Boston, Mass. His income is $25,000 per year.

Mr. Richard M. Ott, a former business partner of the beneficiary's father, is the person primarily interested in the bill.

Mrs. Davidson is also the beneficiary of H. R. 969, 84th Congress, 1st session.

Senator Prescott Bush, the author of the bill, has submitted the following information in connection with the case:

COMMITTEE ON PUBLIC WORKS,
March 8, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR EASTLAND: On February 16, I introduced a bill, S. 3217, for the relief of Mrs. Thomas L. Davidson, which was referred to your committee.

For the consideration of yourself and your committee, I am enclosing certain material in support of Mrs. Davidson's claim. This includes a statement from her, outlining the facts in her case, an affidavit from Mr. Richard M. Ott, as to her character, and a list of American citizens who are related to her and to her husband. I also call your attention to S. 1857, for the relief of Mary Goodyear Brown, which was passed by the Senate last year, which is very similar to Mrs. Davidson's case.

I certainly hope that your committee may give sympathetic consideration to Mrs. Davidson's case and report it favorably to the Senate. I would appreciate being advised of the progress of the legislation.

With best wishes, I am,

Sincerely yours,

PRESCOTT BUSH,
United States Senator.

MR. THOMAS L. DAVIDSON, ILKLEY, YORKSHIRE, ENGLAND

Names and addresses of relations who are American citizens:

1. Uncle and aunt, Mr. and Mrs. W. G. Davidson, 1454 Scrope Road, Abington, Pa. (for over 40 years wool importer and merchant in Philadelphia, now retired).

2. Cousin and wife, Mr. and Mrs. John Davidson, 1425 Lake Drive, Fort Lauderdale, Fla. (son of above).

3. First cousins: (1) Mr. and Mrs. John Davidson, Eaton Rapids, Mich., 3 children; (2) Mr. and Mrs. Chris Davidson, Eaton Rapids, Mich., 3 children; (3) Mr. and Mrs. Bill Davidson, Eaton Rapids, Mich., 2 children; (4) Mr. and Mrs. Alfred Allen, Eaton Rapids, Mich., 4 children; (5) Mr. and Mrs. Alex Davidson, Eaton Rapids, Mich., (woolen manufacturers).

MRS. THOMAS L. DAVIDSON, ILKLEY, YORKSHIRE, ENGLAND

Names and addresses of relations who are American citizens:

1. Mother, Mrs. M. K. Brown, Emlenton, Pa.
2. Sister, Mrs. A. B. Colby, Emlenton, Pa.
3. Sister and brother-in-law, Mr. and Mrs. W. H. Berg, 139 Turrell Avenue, South Orange, N. J.
4. Aunt, Mrs. Clarence Hodson, 188 Austin Road, South Orange, N. J.
5. First cousin, Mrs. James Hynson, 16 Wayside Lane, Scarsdale, N. Y. (also her three children).
6. Niece and nephew-in-law (lawyer), Mr. and Mrs. C. E. Hewes, 2922 45th Street, NW., Washington, D. C. (also their three children).
7. Niece and nephew-in-law, Mr. and Mrs. Ed Clarke, American Consul, Asmara, Eritria (also their two children).
8. Niece and nephew-in-law (textile manufacturer), Mr. and Mrs. John Griffitle, 177 East 94th Street, New York City.
9. Niece, Miss Joan Berg, 144 East 61st Street, New York City.
10. Aunt, Mrs. George Brown, Robert E. Lee Hotel, Winston-Salem, N. C.
11. Nephew, Mr. and Mrs. Curtis Colby, New Jersey (also their three children).
12. First cousin (State lawyer and commissioner), Mr. and Mrs. Thos. H. Hodson, 830 North Krom Street, Homestead, Fla. (two children).

Mrs. Davidson has also many other more distant relations residents around Winston-Salem, N. C.

DONALDINE DAVIDSON (NEE BROWN) CIRCUMSTANCES LEADING TO THE LOSS OF MY AMERICAN CITIZENSHIP

I, Donaldine Davidson, wife of Thomas Leigh Davidson, of "Iddesleigh" Ilkley in the county of York, England, solemnly and sincerely declare as follows:

I was born of American parents at Maplewood, N. J. in 1914, and lived, the whole of my life in the United States, until I took a trip to Europe with my mother in 1937.

In 1938 I married an Englishman, Thomas Leigh Davidson of Ilkley aforesaid. Subsequent to my marriage I made trips to America in 1940, 1947, and 1949, traveling on an American passport and in 1952, 1953, and 1954, traveling on a British passport. In the year 1951 I was planning a further visit to America when I discovered that my American passport was about to expire, so I made application to the American consulate at Bradford in the said county of York for a renewal. I knew the personnel there well both on my own account and also because my husband had known them for many years through his business, so there was no difficulty about the matter and, when I called one afternoon, as arranged, the passport was ready for me. When I had completed a few formalities that were necessary with the secretary there, a Miss Park, she said that the new vice consul would like to have a chat with me since he was always interested to meet Americans living in the area.

The vice consul and I had a few minutes conversation together on general topics. He mentioned the matter of some local elections that had taken place in our small town of Ilkley the previous week with

some such remark as "I hope you voted the right way last Saturday" I replied to the effect that I thought I must have done so since the man I had voted for had been elected. On hearing this the vice consul picked up the new passport and said that he was no longer authorized to issue this since I had lost my American citizenship. I was, naturally much upset and also completely bewildered by his statement, as I had no idea what he was talking about. He then informed me that by voting in this small election in a local town (I think that the total votes cast were about 1,000) I had technically been guilty of interfering in the domestic affairs of a foreign country and must, thus, be deprived of my American nationality.

I left the consulate in some distress and never saw him again but, I understand, he immediately wrote a report on the matter to Washington and that, on this report I was deprived of my American citizenship. I had no knowledge whatsoever that any such law existed and only cast my vote because my husband was going down to vote and had said that, as I was a resident in the town, I had a right to vote and should use it. I had always understood that it was not possible for an American citizen to lose her nationality and, in fact, went so far as to confirm this at the beginning of the war in 1939, when I was worried regarding the status of myself and my child. (I now have three children.)

It is my recollection that I was definitely informed that the only way I could lose my citizenship was by, formally, renouncing it at some United States of America consulate or embassy.

The election concerned was for membership of the Ilkley urban district council and was not even a full scale election, only a few wards being involved. Although I have since found that it is, technically classed as a political election most of the candidates are "independents" as many people over here want to keep politics out of local government. The council elected to office is concerned solely with the local administration of the affairs of the area in question, a section of the Wharfe River Valley, comprising an area of about 6 miles by 2. I wish to regain my American nationality because both my parents came from old American stock, all my relatives live in America, and I have 3 children who may, one day, wish to claim their right to American nationality. One of my children was born in Orange, N. J.

To me my American citizenship was very precious and I feel I have been deprived of it without due notice having been taken of all the factors involved. I would emphasize again that I had no knowledge of the law whereby I could lose my nationality by voting in a local election abroad.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Solemn Declarations Act of 1835.

Declared at Ilkley in the County of York, England, this second day of March 1955, before me a notary public, in and for Ilkley, Yorkshire, England:

To all to whom these presents shall come, I, John Christopher Scott, notary public, duly authorized, admitted and sworn, residing and practicing at Ilkley in the county of York, England, hereby certify and attest that the document hereon set out was produced and shown to me by the declarant Donaldine Davidson of Iddesleigh, Ilkley aforesaid. Which, after careful examination I attest.

Witness my hand and notarial seal the second day of March, in the year of Our Lord one thousand nine hundred and fifty-five, *quod veritatem attestor.*

NOTARY PUBLIC.

RICHARD M. OTT & SONS, INC.,
Boston 10, Mass., February 21, 1956.

Hon. THOMAS J. DODD,
House of Representatives Office Building,
Washington, D. C.

DEAR CONGRESSMAN DODD: I understand through my friend, Sinclair Weeks, that bill H. R. 969, which you introduced last year, is expected to come up for hearing in the near future.

I am very much interested in a young woman by the name of Mrs. Thomas L. Davidson (Donaldine Brown) of Ilkley, England, who lost her American citizenship through voting in a little town election which was entirely nonpolitical, all of which information you now have.

I should like to say something about her. She is a person whose character is beyond reproach. She is naturally American born and owns property in America. Many of her husband's family are American citizens. In fact, I was personally associated with Tom's uncle, William G. Davidson of Philadelphia, in business for 27 years. Donnie lived here in America with her children during the war and has always come over at least once a year. When she is in Boston, she lives with my daughter in Cohasset, and our families are very close. She is a wonderful mother, hopes to educate her sons in American colleges, and I cannot speak too highly of her integrity and character.

I do hope so much that her citizenship will be restored.

Very truly yours,

RICHARD M. OTT.

My commission expires August 30, 1957.

PATRICK J. DEE, *Notary Public.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3217) should be enacted.

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Calendar No. 2346

84TH CONGRESS
2d Session

SENATE

REPORT
No. 2322

JOAQUIN FLORES-MUNOZ

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3218]

The Committee on the Judiciary, to which was referred the bill (S. 3218) for the relief of Joaquin Flores-Munoz, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has obtained a visa by fraud in behalf of the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 33-year-old native and citizen of Mexico who first entered the United States at El Paso, Tex., on June 2, 1944 under a fictitious name with an alien laborer's identification card issued to someone else which he had purchased. His wife and three children are United States citizens presently residing in Nebraska and they are being supported by State welfare funds. The beneficiary departed from the United States voluntarily on December 5, 1954, and presently resides in Mexico. He is ineligible to receive a visa because of the previous record of fraud in the issuance of the first one. Information is to the effect that he is a good father and was a good provider. Without the waiver provided for in the bill, he will be unable to enter the United States to join his citizen wife and children.

A letter, with attached memorandum, dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3218) for the relief of Joaquin Flores-Munoz, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Omaha, Nebr., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have procured a visa or other documentation by fraud and would authorize the beneficiary's admission for permanent residence, if he is otherwise admissible under that act. It also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JOAQUIN FLORES-MUNOZ, BENEFICIARY OF S. 3218

Information concerning the case was obtained from Mrs. Ruth Rodriguez de Flores, the beneficiary's wife.

The beneficiary, Joaquin Flores-Munoz, also known as Jose Trinidad De Anda Munoz, a native and citizen of Mexico, was born on August 16, 1922. He is married and has three children. His wife and children are citizens of the United States. They reside at Kimball, Nebr. The beneficiary resides at 771 Norte Calle Cinco de Mayo, Cd. Juarez, Chihuahua, Mexico.

Information regarding the beneficiary's employment, income, and assets is not available. He attended elementary school for 5 years in Mexico. His father, stepmother, a half brother and three half sisters reside in Denver, Colo. The beneficiary was previously employed in Nebraska as a ranch hand, truckdriver, and caterpillar operator.

The beneficiary first entered the United States at El Paso, Tex., on June 2, 1944. He had purchased an alien laborer's identification card from one J. Trinidad De Anda Munoz and entered under that name under agricultural contract as a visitor for business. Deportation proceedings were instituted on December 13, 1950, on the ground that he had failed to maintain his visitor status. His application

for suspension of deportation was granted. However, the Congress did not pass a resolution favoring such suspension. Private bill S. 2813, 81st Congress, introduced in his behalf, was not enacted. Private bill S. 2042, 83d Congress, introduced in his behalf, received adverse action. The beneficiary departed from the United States voluntarily on December 5, 1954.

Mr. Flores-Munoz was issued a nonquota immigrant visa by the American consul at Guadalajara, Jalisco, Mexico, on March 1, 1955. He was excluded from admission to the United States at El Paso, Tex., on March 7, 1955, because he had previously procured documentation by fraud. His appeal from the excluding order was dismissed by the Board of Immigration Appeals.

The beneficiary's children are supported by aid to dependent children in amount of $130 a month. These payments to date total about $1,800.

Mr. Flores-Munoz is also the beneficiary of private bill H. R. 8439, 84th Congress.

Senator Roman L. Hruska, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

CHRONOLOGY ON THE JOAQUIN FLORES-MUNOZ CASE, FILE A-7383364

1. In May or early June, 1944, Munoz bought, for 50 pesos, an alien laborer's identification card in Mexico City from one J. Trinidad Munoz DeAnda. Card was numbered 90396.

2. On June 2, 1944, he entered the United States as DeAnda, working in Kimball County for Vernon Linn on a ranch-farm. He later left that employment and had other jobs around Kimball at all times.

3. His residence permit was extended from time to time, the last one permitting him residence here until March 14, 1949.

4. In 1949 (do not have the month, day) he married Ruth Rodrigues, a Kimball-born Mexican extraction American citizen. Four children were born and are living. Marriage certificate bears name of DeAnda and births registered in Bureau of Vital Statistics, Department of Health, Nebraska, as DeAnda. (Court action begun to correct marriage certificate and birth certificates.)

5. Senator Wherry introduced private bill S. 2813 for relief of J. Trinidad DeAnda-Munoz on January 10, 1950, in the 2d session of the 81st Congress. The committee record indicates that no action was taken and the bill died in committee.

6. August 6, 1951, the Immigration and Naturalization Service recommended to Congress that favorable action be taken on the bill introduced by Senator Wherry. No such action was taken. The bill died.

7. November 28, 1952, the Immigration and Naturalization Service extended Flores-Munoz the right to depart voluntarily. He did not avail himself of this right.

8. On June 3, 1953, Senator Griswold introduced private bill S. 2042 in the 83d Congress, 1st session, but a motion to indefinitely postpone consideration was passed by the committee.

9. On August 10, 1954, the Immigration and Naturalization Service granted conditional parole until September 30, 1954, permitting him to voluntarily depart.

10. On November 4, 1954, he was notified by the Service that he must depart by December 4, 1954.

11. The verified record shows that he departed the United States on December 5, 1954.

12. Case brought to our attention by Mrs. Esther C. Norris, welfare director of Kimball County, inasmuch as the mother is receiving aid from the aid for dependent children funds of that county. In talking with her, we learn that the subject had been a good, law-abiding citizen while there. Checking the court and enforcement records substantiated her statements.

13. His address now is Gerarda Cornejo, Calle de La Lus No. 228, Leon Guanajuato, Mexico. (Subject is about 32 years old at present.) Letter from Immigration and Naturalization says he can reapply after 1 year. Rejected because of fraud at inception.

KIMBALL COUNTY,
Kimball, Nebr., January 10, 1956.

Dr. A. L. MILLER,
Fourth District, Nebraska,
House of Representatives,
Congress of the United States,
Washington, D. C.

DEAR MR. MILLER: I am writing to you to thank you for your interest in Joaquin Flores and his family and to urge the passing of the private bill which you have introduced providing for his admission to the United States through the Office of Immigration and Naturalization at El Paso, Tex.

Mrs. Ruth Flores and the four children have been receiving an aid-to-dependent-children grant during the absence of the father. This is not sufficient to provide them with rent so they have been living in a basement apartment with her mother and her family making a group of 10 people. As chairman of the board of county commissioners, I feel that the taxpayers should not be compelled to support this family when the father could provide them with a good living if he were permitted to return to the United States and live with them.

Mr. Flores has been a law-abiding citizen of Kimball County during the 11 years that he has been in the United States. He has been industrious and a good workman. He was employed by W. F. Gettel for $1.50 an hour when he received the letter stating that he must return to Mexico. This job is still open to him the moment he returns to Kimball. His wife has made the statement that he intends to become a naturalized citizen as quickly as possible and will raise his family to be good law-abiding citizens.

I feel confident that this man will make good in the United States and ask that he be allowed to return to his family as soon as possible.

Sincerely,

JENS PETERSEN,
Chairman, Kimball County Commissioners, Dix, Nebr.

KIMBALL, NEBR., *January 9, 1956.*

Re Joaquin Flores

Hon. A. L. MILLER,
Congressman, Fourth District of Nebraska,
House of Representatives, Washington, D. C.

DEAR DR. MILLER: I have been asked by Mrs. Esther Norris, county welfare director, to write you in regard to Joaquin Flores. He and his family are personally known to me, inasmuch as I have repeatedly attended them during their stay in Kimball; I have delivered all of their children.

It is incontrovertible that the children need their father; in his absence they are and will continue to be public charges. While here Mr. Flores was able to care for his family, being to my understanding a willing and industrious worker. He always managed to pay his doctor bills, and as you know, the doctor is usually last on the list.

Sincerely,

A. H. SHAMBERG, M. D.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3218) should be enacted.

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Calendar No. 2347

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2323

CHIYOKO TOMINAGA BECKMANN

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3253]

The Committee on the Judiciary, to which was referred the bill (S. 3253) for the relief of Chiyoko Tominaga Beckmann, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who has been convicted of a crime involving moral turpitude and subject to exclusion on immoral grounds in behalf of the wife of a United States citizen member of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 28-year-old native and citizen of Japan who is presently residing in Japan with her United States citizen husband, a member of the United States Army. The beneficiary has been denied a visa because she was convicted in 1952 for a crime involving moral turpitude and is, therefore, excludable on immoral grounds. Her husband is to be returned to the United States in the near future. Without the waivers provided for in the bill, the beneficiary will be unable to enter the United States with her citizen husband to make their home.

A letter, with attached memorandum, dated May 28, 1956, to the chairman of the Senate Committee on the Judiciary from the Com-

missioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 28, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3253) for the relief of Chiyoko Tominaga Beckmann, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Kansas City, Mo., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of crimes involving moral turpitude and aliens who have engaged in prostitution, and would authorize the beneficiary to enter the United States for permanent residence, if she is otherwise admissible under that act. The bill also provides that this exemption shall apply only to the grounds for exclusion of which the Secretary of State or the Attorney General has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHIYOKO TOMINAGA BECKMANN, BENEFICIARY OF S. 3253

The information concerning the case was obtained from beneficiary's husband, Arden Devere Beckmann, specialist, third class, United States Army, stationed in Japan, and from his parents, Mr. and Mrs. Dick H. Beckmann, Smith Center, Kans.

The beneficiary, Chiyoko Tominaga Beckmann, a native and citizen of Japan, was born on March 5, 1928. She resides with her husband at 554 Asahi Cho, Nerima-ku, Tokyo, Japan.

The beneficiary is not employed. She completed elementary school and 4 years of dental study at the Nippon Dental College of Japan. She has no income or assets.

The beneficiary has never been in the United States. According to her husband, she was convicted on November 6, 1952, at Saitama, Japan, of prostitution and fined 5,000 yen. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The beneficiary's husband was born at Smith Center, Kans., on August 7, 1932. He is a graduate of the Smith Center High School. He enlisted in the United States Army on February 2, 1953, and is presently stationed in Japan.

As a specialist, third class, he earns approximately $2,000 per year. He was arrested in Denver, Colo., on June 22, 1952, on a charge of drunkenness. Although he was fined $10, the fine was suspended.

Senator Frank Carlson, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

DEPARTMENT OF STATE,
Washington, February 7, 1956.

Hon. FRANK CARLSON,
United States Senate.

DEAR SENATOR CARLSON: I refer to your letter of December 15, 1955, concerning your interest in the desire of Mr. Arden D. Beckmann (specialist, third class, USAFI, Japan, 8180th Army Unit, APO 613, Tokyo, Japan), to have his wife, Mrs. Beckmann, obtain an immigrant visa for permanent residence in the United States.

A report dated January 18, 1956, has now been received from the Embassy at Tokyo indicating that it was found necessary to refuse a visa to Mrs. Beckmann on December 1, 1955, as a person ineligible to receive a visa under section 212 (a) (12) of the Immigration and Nationality Act. The report states that Mrs. Beckmann's ineligibility for a visa results from the fact that she was convicted in November 1952 (Urawa summary court) for reasons mentioned in the attached copy of translation of the court record.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

CERTIFICATE NO. 1295

Name in full: Tominaga Chiyoke.
Date of birth: March 5, 1928.
Sex: Female.
Nationality: Japanese.
Permanent address: No. 189, Aza Shukuura, Oaza Satoshiraishi, Asakawa-machi, Ishikawa-gun, Fukushima-ken.
Present address: No. 553, Asahi-cho, Nerima-ku, Tokyo-to.

The above individual has the following police records: She was arrested by Asaka police, Saitama Prefecture on November 6, 1952, for alleged violation of Saitama prefectural ordinance No. 53 (prostitution, etc., control ordinance) and was sentenced to a fine of 5,000 yen at Urawa summary court, Saitama Prefecture, on November 20, 1952, the same year (the verdict became irrevocable on December 5, 1952).

Date: July 28, 1955.

[Signature and Seal] WATANABE MASARO,
Senior Superintendent,
Chief, 3d Public Safety Section, 2d Police Guard Bureau,
Metropolitan Police Department, Tokyo, Japan.

USAFI JAPAN, 8180TH ARMY UNIT,
APO 613, Tokyo, Japan, December 12, 1955.

Senator FRANK CARLSON,
United States Senate,
Washington, D. C.

DEAR SENATOR CARLSON: First I shall introduce myself, I am Specialist Third Class Arden D. Beckmann, whose home is in Smith Center, Kans. I am in the United States Army, and presently stationed at Camp Drake, Japan, about 13 miles from the center of Tokyo.

I came to Japan in September of 1953 and have served here since. Shortly after my arrival here I met a Miss Chiyoke Tominaga, a real sweet Japanese girl, whose family is one of the old and aristocratic Japanese families. Her father was a doctor, as is one of her brothers, and Miss Tominaga has completed 2 years of dental study.

We were married on October 1, 1954, at the Tokyo American consul. Since that day my life has become full and enjoyable every day. At the time of our marriage I knew that my wife had been arrested once in 1952 by the Japanese police, but this fact did not change our affections for each other, nor did it in any way stop our marriage from the American Army point of view.

I am now due for separation from the Army and return to the United States in June 1956, and my wonderful wife, Chiyoke, is unable to obtain a visa for entry into the states because of this arrest.

In October of 1952, while Japan was still an occupied country, Miss Chiyoke Tominaga, who is now my wife, was in the house of a friend with a certain American soldier, named John Wargo. The military police and members of the Japanese Police Force saw Miss Tominaga and Mr. Wargo enter this house, and immediately arrested them, returning the American soldier to camp, with no disciplinary action, but Miss Tominaga was taken to the prefectural correctional institute and charged with prostitution. With no representation or defense whatever, she was immediately convicted and fined a sum of 5,000 yen ($13.88) and released. This sum was paid by her brother.

Now, because of this past offense, I must leave my loving wife in June and return to the United States to obtain my release from the armed services, and then return to Japan by some means to start a new life here, so as to be with my wife. Our love is certainly too great to let anything separate us.

If my wife cannot go to my native country to live, then in order for us to fulfill our purpose in life I must come and live in her native country. As I have no desire whatsoever to leave the United States, and most certainly wish to bring my wife to my home in the States so she can meet my wonderful parents and learn the American way of life from my mother.

I must beg of you to please do everything within your power to aid us in obtaining my wife's visa so we can have a fair chance to live a happy and normal life. Should one suffer a lifetime for one mistake, long since rectified?

There is nothing further I can do at this time, so I must ask for your assistance. Anything you can do on our behalf will be greatly appreciated.

Yours very sincerely,

ARDEN D. BECKMANN
Chiyoko and Arden Beckmann.

USAFI, JAPAN,
APO 613, San Francisco, February 16, 1956.

Senator FRANK CARLSON,
United States Senate,
Washington, D. C.

DEAR SENATOR CARLSON: In reference to your letter dated February 8, 1956, concerning immigration visa for my wife, Chiyoko, I believe the following information should be brought to your attention:

You sent to me an enclosure in your letter from a Mr. Welsh, of the Visa Office, but there are a few things which Mr. Welsh failed to tell you. Subject visa was originally applied for in August 1955, when the American consul had failed to obtain any information whatsoever on my wife other than what we had given them willingly, I personally went to the Visa Section of the consul and asked Miss Isabella Pinard, vice consul, if it would be permissible for me or my wife to obtain this court record and present it to them. Miss Pinard stated that it would be, so we went to the prefectural police office and hired a person to copy the court record, and then took this to the Embassy.

After the Embassy had failed to obtain any information whatsoever on this record, over a period 4 months, through its normal diplomatic channels, we obtained it in 3 days at an expense of 500 yen.

If, instead of willingly admitting that my wife had been arrested, I had waited until November of 1955 to begin obtaining the visa, the statute of limitations on this offense would have expired (3-year period) and a police clearance would have been granted, but by initiating my application early to eliminate rush work on the part of the Visa Section, possibly I have ruined any chance that my loving wife and myself ever had for a happy future.

Why is there not some way of preventing these happenings by ascertaining before the Army grants permission to marry to an individual, whether his wife can obtain an immigrant visa or not?

Hoping, I am, that you can assist me in some way, and in so doing restore my faith in fellowmen, and the American way of life, which has the means of separating a happily married couple.

Sincerely yours,

ARDEN D. BECKMANN
Arden and Chiyoko Beckmann.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3253) should be enacted.

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Calendar No. 2348

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2324

AMIN HABIB NABHAN

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3255]

The Committee on the Judiciary, to which was referred the bill (S. 3255) for the relief of Amin Habib Nabhan, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child to be adopted by citizens of the United States the status of a nonquota immigrant which is the status normally enjoyed by alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is an 11-year-old native and citizen of Lebanon who presently resides there. He has been legally adopted by his aunt, the female sponsor, whose husband was not in Lebanon during the adoption proceedings. It is his intention to legally adopt the beneficiary when he arrives in the United States. The sponsors contribute regularly to the beneficiary's support.

A letter, with attached memorandum, dated May 28, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

90008°—57 S. Rept., 84-2, vol. 8——16

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 28, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3255) for the relief of Amin Habib Nabhan, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota for Lebanon.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE AMIN HABIB NABHAN, BENEFICIARY OF S. 3255

Information concerning the case was obtained from Mr. and Mrs. Kaleel G. Nabhan, the beneficiary's foster father and adoptive mother.

Amin Habib Nabhan is an 11-year-old child, a native, citizen and resident of Lebanon, who was born on February 2, 1945. He has never been in the United States. He was adopted in an ecclesiastical court of the Greek Orthodox Church in Zahle, Lebanon on July 28, 1954, by Mrs. Kaleel G. Nabhan. He is one of five children of Habib Nabhan, Mrs. Kaleel G. Nabhan's brother and his wife, Marian. They are in Lebanon and agreed to the adoption.

Mr. and Mrs. Kaeel G. Nabhan are naturalized citizens of the United States whose principal residence is in Salisbury Beach, Mass. During the winter they live in Lakeworth, Fla. Mr. Nabhan was born in Kfar Zsbed, Lebanon on August 13, 1888, and Mrs. Nabhan was born in the same village on March 17, 1906. They were married in Lebanon on March 15, 1922. They have testified that this is their only marriage and that Edward K. Nabhan, their only child of this union, died in 1951 of injuries received while serving in the United States Armed Forces in Germany during World War II. Mr. and Mrs. Nabhan are self-employed as managers of the Sea Breeze Hotel in Salisbury Beach, Mass. Their assets consist of this hotel and other real estate in Salisbury Beach valued at $50,000, free of any encumbrances, a home in Lakeworth, Fla., without encumbrance, valued at $12,500, stocks and bonds valued at $9,000, household and hotel furniture and equipment valued at $10,000 and savings accounts and cash amounting to $15,000. From their invest-

ments they have an annual income of about $12,000. Mr. Nabhan did not become the beneficiary's adoptive father because he was not in Lebanon during the adoption proceedings but has stated that it is his intention to legally adopt the child in this country as soon as possible after his arrival in the United States. They contribute regularly to the beneficiary's support and maintenance.

The beneficiary of this bill is also the beneficiary of H. R. 9297, 84th Congress, 2d session.

Senator Leverett Saltonstall, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
March 26, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: This letter is in reference to S. 3255, the private bill I introduced on February 22, 1956, for the relief of Amin Habib Nabhan, the adopted minor child of Mr. and Mrs. Kaleel G. Nabhan, Salisbury Beach, Mass., who are citizens of the United States.

When Mrs. Nabhan visited her relatives in Kefrzabed, Lebanon, in the summer of 1954, she legally adopted her brother's son, Amin Habib Nabhan, who was born on February 6, 1945.

Of particular interest is the following information, which is taken from the attached affidavit of support:

"* * * during World War II our only child enlisted in the United States Armed Forces and was engaged in many major battles in the European theater, he was badly injured and was sent back to the United States to be discharged from service. He was hospitalized until he died in April 1950, at the age of 27.

"That we became very much upset and being desperate because we lost our only son and child, therefore our home has not been the same ever since. That in the summer of 1954, I Adele Nabhan visited my parents in Kfar Zabed, Lebanon, and I became very fond of my nephew, Amin Habib Nabhan, the son of my brother, Habib Amin Nabhan who was born February 6, 1945, bearing in mind that our homelife in the United States was so depressed because of the death of our only child, I approached my brother on the subject of adopting his son Amin, because he has a large family and we have none, my brother, Habib, and his wife accepted my request. I immediately communicated with my husband and he agreed to the adoption. Then the necessary procedure was taken with the proper authorities to complete the adoption of Amin Habib Nabhan to become my son. The adoption degree was issued to me * * *."

Other facts contained in the affidavit of support are also of importance and interest.

I have been contacted by Henry K. Hyder, Jr., Esq., 301 Essex Street, Lawrence, Mass., the Nabhans' attorney, and he has furnished me with additional pertinent information.

In reply to Mr. Hyder's inquiry of December 19, 1955, to the American Embassy (consular section), Beirut, Lebanon, the consul advised:

"This office received on December 28, 1955, an approved petition No. VP 2–I–28473, on behalf of Mrs. Nabhan, according him fourth preference status within the Lebanese quota as the adopted son of an American citizen.

"On December 29, 1955, the applicant's father of Krar Zabad, Lebanon, called at this office and was notified of the receipt of an approved petition on behalf of his son, and that upon presentation by his son of certain documents, his name will be entered on the list of qualified applicants awaiting the allotment of quota numbers, with priority as of September 2, 1954, the date of his original registration as a prospective immigrant.

"According to the present status of the Lebanese quota, numbers are currently available for applicants entitled to first, second, and third preference only. Fourth preference numbers under this date have thus far been allocated for applicants registered before April 5, 1946."

From the above report from the American consul at Beirut, Lebanon, you will note that Amin Habib Nabhan is registered on the Lebanese quota with a priority as of September 2, 1954, under fourth preference, and, further, that fourth preference numbers (as of late December 1955) have been allocated for applicants registered before April 5, 1946:

It would appear from the above that the child would have many years to wait before his turn is reached in order under the fourth preference quota for Lebanon, even though he has been adopted by American citizens.

In view of the child's youth and the willingness and ability of Mr. and Mrs. Habhan to educate and care for him, giving him the love and homelife a growing child needs, I know your earnest and sympathetic consideration of S. 3255 for the relief of Amin Habib Nabhan would be deeply appreciated by all concerned.

If there is additional information your committee needs in connection with this bill and you will so advise me, I would be pleased to try to obtain it for you.

Thank you for your courtesy and helpfulness in this case.

With best regards, I am,

Sincerely yours,

LEVERETT SALTONSTALL,
United States Senator.

LAWRENCE, MASS., *December 19, 1955.*

Re Amin Habib Nabhan.

THE EMBASSY OF THE UNITED STATES OF AMERICA,
Consular Section, Beirut, Lebanon.

DEAR SIR: I am particularly interested in the above-mentioned subject. As you well know, Mrs. Adele Nabhan, wife of Kaleel G. Nabhan of Salisbury Beach, Mass., visited her folks in Kafrzabed, Lebanon, in the summer of 1954, at which time she adopted her brother's son, Amin Habib Nabhan, and requested your Embassy to permit him to accompany her upon her return to the United States of America. Not knowing the proper procedure to be taken in such cases as required by law, her request was denied.

Recently, she called the matter to my attention, asking me to assist her, whereby she could bring her adopted son to the United States of

America to join her. This matter was taken up with the proper authorities here. The Immigration and Naturalization Service of the United States Department of Justice has approved the application for visa which was forwarded to Washington, D. C., for transmission to your Embassy for further consideration.

I have written to the boy's father in Kafrzabed, Lebanon, to call at your office in Beirut, so that he may be instructed in making arrangements for the boy's departure to the United States of America.

This boy has been delayed from joining his adoptive parents and was thus denied of his schooling which he could have had here. All this was due to the misunderstanding on the part of his adoptive mother who did not know of the rules and regulations of the Immigration Act.

I sincerely appeal to you to give the reasons mentioned above consideration and facilitate the departure of this boy so that he may take advantage of the schooling planned for him here.

Any consideration you may give this appeal will be highly appreciated.

Yours sincerely,

HENRY K. HYDER, Jr.,
Attorney and Counsellor at Law.

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, AMERICAN EMBASSY (CONSULAR SECTION)

HENRY K. HYDER, Jr., Esq.,
Attorney and Counsellor at Law,
Lawrence, Mass.

SIR: Reference is made to your letter of December 13, 1955, concerning the visa case of Amin Habib Nabhan, the adopted son of Mrs. Adele Nabhan of Salisbury Beach, Mass. You refer to a visa petition approved on his behalf and inquire as to the present status of his application.

This office received on December 28, 1955, an approved petition No. VP2–I–28473, on behalf of Mrs. Nabhan, according him fourth preference status within the Lebanese quota as the adopted son of and American citizen.

On December 29, 1955, the applicant's father of Krar Zabad, Lebanon, called at this office and was notified of the receipt of an approved petition on behalf of his son, and that upon presentation by his son of certain documents, his name will be entered on the list of qualified applicants awaiting the allotment of quota numbers, with priority as of September 2, 1954, the date of his original registration as a prospective immigrant.

According to the present status of the Lebanese quota, numbers are currently available for applicants entitled to first, second, and third preference only. Fourth preference numbers under this date have thus far been allocated for applicants registered before April 5, 1946.

You may assure your client that this case will continue to receive sympathetic consideration and final action will be taken thereon as promptly as the status of the quota permits.

Very truly yours,

F. A. BOHNE, *American Consul.*

AFFIDAVIT OF SUPPORT

We, Kaleel G. Nabhan and Adele Nabhan, husband and wife of Salisbury Beach, Essex County, Commonwealth of Massachusetts, being duly sworn, on oath depose and say,

That I, Kaleel G. Nabhan, was born August 13, 1888, at Kfar Zabed, Lebanon; That I came to the United States in the year 1900, through the port of New York, N. Y.

That I was married to Adele Nabhan, at Kfar Zabed, Lebanon, March 15, 1922, and we are living at the Sea Breeze Hotel, Salisbury Beach, Mass.; that I am a naturalized citizen of the United States since 1919.

That I, Adele Nabhan, wife of said Kaleel G. Nabhan, was born in said Kfar Zabed, Lebanon, March 17, 1906, that my citizenship was derived through my marriage to the said Kaleel G. Nabhan, that the naturalization certificates for both of us were seen and examined by the Immigration Service in Boston, Mass.

That we are self-employed and have an annual income of $9,500; that we are the sole owners of the Sea Breeze Hotel, and a portion of which we rent, maintaining a full apartment in the hotel for our own use; That we have personal property as follows: six rooms of furniture and household equipment with value of $4,000, furniture in the 18 rooms of the hotel value at for $6,000; that we, have real estate situated in Salisbury Beach, Mass., with value of $50,000, which is assessed for $29,850 and which is unencumbered, that our net worth of real estate is at least $55,000, that we have good substantial savings accounts in local banks in the nearby city of Newburyport, Mass.; That we also maintain a winter home at 1001 North C Street, Lake Worth, Fla., which is worth $12,500 and is unencumbered.

That during World War II our only child enlisted in the United States Armed Forces and was engaged in many major battles in the European theater, he was badly injured and was sent back to the United States to be discharged from service. He was hospitalized until he died in April 1950, at the age of 27.

That we became very much upset and being desperate because we lost our only son and child, therefore our home has not been the same ever since. That in the summer of 1954, I Adele Nabhan visited my parents in Kfar Zabed, Lebanon, and I became very fond of my nephew, Amin Habib Nabhan, the sone of my brother, Habib Amin Nabhan who was born February 6, 1945, bearing in mind that our homelife in the United States was so depressed because of the death of our only child, I approached my brother on the subject of adopting his son Amin, because he has a large family and we have none, my brother, Habib, and his wife accepted my request. I immediately communicated with my husband and he agreed to the adoption.

Then the necessary procedure was taken with the proper authorities to complete the adoption of Amin Habib Nabhan to become my son. The adoption decree was issued to me, a translation of the original decree is herewith attached.

That upon my return to the United States I requested the authorities of the Department of Justice and Immigration Service in Boston, Mass., to guide me to proceed to have my adopted son to come to the United States to join us. That I, submitted all the documents pertaining to the adoption decree to the said authorities together with a peti-

tion for visa, that the said authorities approved the petition for a visa according him a fourth class preference, that such classification would delay his departure to the United States because of the low quota accorded Lebanon.

That we are desirous to have our adopted son join us immediately, we are ready and willing to receive him, to provide for his support and education and to do everything in our power to bring this child up as a good American citizen and finally to give him all our estate, both real and personal, upon our death. We know that having him with us now will fill in the void in our lives and brighten our home once more, and in the event the laws of the Commonwealth of Massachusetts do not recognize the adoption decree of Lebanon, we will be willing to adopt him here in accordance with the Massachusetts laws.

KALEEL G. NABHAN.
ADELE NABHAN.

Witness (to both):
HENRY K. HYDER.

FEBRUARY 17, 1956.

COUNTY OF ESSEX, COMMONWEALTH OF MASSACHUSETTS,
United States of America:

Then personally appeared the herein named Kaleel G. Nabhan and Adele Nabhan and both acknowledged the foregoing instrument to be their free act and deed, before me.

[SEAL] HENRY K. HYDER,
Notary Public.

My commission expires September 28, 1956.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3255) should be enacted.

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Calendar No. 2349

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2325

JAN HOVORKA

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3276]

The Committee on the Judiciary, to which was referred the bill (S. 3276) for the relief of Jan Hovorka, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who is afflicted with tuberculosis in behalf of Jan Hovorka. The bill provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 57-year-old native and former citizen of Czechoslovakia who is presently residing in a displaced persons camp in Germany. He is a widower whose children were taken by the Communists and their present location is unknown. His farm was seized and he was imprisoned. Upon his release, he fled to Germany. He obtained the equivalent of a master's degree in the field of agriculture before World War II. He has been refused admission to the United States because of lung spots. The sponsor of the beneficiary has been sending him money, food, and clothing since 1953 and plans to provide a home for him. Without the waiver provided for in the bill, he will be unable to enter the United States.

A letter, with attached memorandum, dated May 21, 1956, to the

chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 21, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3276) for the relief of Jan Hovorka, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease, and would authorize his admission into the United States for permanent residence, if he is found to be otherwise admissible. It would also direct that such admission be under such conditions and controls as the Attorney General, after consultation with the Surgeon General, United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. The bill would further require that a bond be deposited to insure that the alien shall not become a public charge. It also limits the exemption to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JAN HOVORKA, BENEFICIARY OF S. 3276

Information concerning this case was obtained from Mrs. Olga E. Minick, the interested party, and from Mr. Leopold Pospisil, the beneficiary's friend, both of whom reside in Eugene, Oreg.

The beneficiary, Jan Hovorka, a native and last a citizen of Czechoslovakia, was born on March 16, 1899. He is a widower. His two children were taken by the Communists in Czechoslovakia and their present location is unknown. He resides in a displaced-persons camp at Landshut 13 b N. Bayern, Podewilstrasse No. 2, Germany.

The beneficiary is not employed. He completed secondary school and attended an agricultural college in Czechoslovakia. He has no income or assets. Since 1953, the interested party has sent him money, food, and clothing. He was previously engaged in farming until his land was taken by the Communists.

The beneficiary has never been in the United States. According to Mrs. Minick, he was refused an immigrant visa by the American consul, Munich, Germany, because his chest

X-ray discosed a scar or a tuberculosis shadow. He was a patient in a tuberculosis sanitarium for 8 months before his discharge in the fall of 1954. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to furnish additional information regarding the beneficiary's ineligibility for a visa.

The beneficiary was imprisoned by the Communists in Czechoslovakia for a few months in 1948 and escaped to Germany in 1949 when he received information that he was to again be arrested.

The interested party is 68 years of age, a citizen of the United States, and a widow. She has assets of $15,550 in savings and real estate valued at $11,000. She receives social security benefits of $58.90 a month and is employed part time as a sales lady. Mrs. Minick has expressed an intent to provide a home and support for the beneficiary if he is permitted to enter the United States.

Senator Wayne Morse, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
February 27, 1956.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR HARLEY: On February 23, 1956, I introduced S. 3276 for the relief of Dr. Jan Hovorka, a Czechoslovakian refugee who is in a displaced persons camp at Landshut, Germany.

This case was called to my attention in December 1953 by Mrs. Olga Minick of Eugene, Oreg. An affidavit of support and related papers were filed by Mrs. Minick, but under date of March 8, 1955, we were advised that Dr. Hovorka was unable to qualify for a visa due to his pulmonary condition. There is no indication that he is inadmissible on any grounds other than those specified in section 212 (a) (VI) of the Immigration and Nationality Act.

I am attaching a copy of the bill, together with a letter sent to Mrs. Minick from Mrs. Dora Wagner in Muenchen on November 21, 1955, two doctors' certificates dated November 12 and 14, 1955, two letters written to Mrs. Olga Marshall, of London, England, by Dr. Hovorka and dated October 24, 1955, and December 1955, and a letter from Mrs. Marshall dated January 6, 1956.

It is my hope that the committee will take favorable action on S. 3276 in view of the fact that Jan Hovorka has already spent 7 years (approximately) in a displaced persons camp without being allowed to do any useful work and that apparently he has many talents in the field of agriculture which would make him an asset in any of the farming sections of our country.

If the committee desires any further information on this case, I shall be happy to try to obtain it.

Sincerely,

WAYNE MORSE.

WEST DULWICH, LONDON, ENGLAND,
January 6, 1956.

Senator MORSE,
State of Oregon, United States of America.

DEAR SENATOR MORSE: I believe you have already heard something from Mrs. Olga E. Minnick (2920 Washington Street, Eugene, Oreg.) about Jan Hovorka, a Czech doctor of science (agriculture) who is at present living in the displaced persons' camp at Landshut, Germany. I should like to tell you more on his behalf, but he can best speak for himself. I, therefore, enclose a copy of a letter I have recently received from him asking me to help him in his efforts to get to Oregon, where he feels his knowledge of all types of farming and his experience would be of particular use.

You will see that he has had a wide experience in many aspects of agriculture and land management, breeding of livestock, etc. In reading his letters I feel that in spite of his bitter experiences over the last 7 years during which time he has lost his home, his family, and his lands to the Communists, his mental capacity is in no way diminished. Given the chance I believe he has the ability to continue the work for which he is trained.

I hope you do not think it is impertinent of me to write to you on this matter but firstly, Dr. Hovorka wants to settle in the New World and secondly, he is still in good health, unlike so many of the inmates of these camps who have succumbed to TB. I will of course continue to send him food parcels and vitamin tablets.

The last time he came before the American doctor was on November 21 when he saw the authorities at Munich and United States Dr. Stevick and was told to come back in 6 months time. I feel if you would intervene personally on his behalf his visa would be granted. His first application was in March 1951 (refer to papers, sec. D, C. S. R. 3C. R. R. Act).

Please accept my best wishes for 1956.

Yours sincerely,

O. MARSHALL.

[Copy of letter received from Dr. Jan Hovorka, Displaced Persons' Camp, Landshut, Germany, December 1955]

"* * * I attended the grammar school in Austria-Hungary and then the Agricultural Academy in Randnitz. In Austria-Hungary it was a different educational system from the later one in the C. S. R. In Prague at that time there was no agricultural department therefore in Randnitz the Agricultural Academy was founded, to which admission was granted only to those who had passed the Abitur (roughly corresponds to entrance to university level).

This academy was organized like a high school but was more advanced. After completing the prescribed 4-year course of study we received the title of Diploma in Agriculture. After the first World War holders of this Diploma in Agriculture could use the title of doctor of agriculture (or master?).

As a result of my thesis on the theme New Ways to Organize Estates I was appointed to the Karl University in Prague as master of agriculture. For certain reasons I prefer to drop this title in my present conditions and I call myself a certified agriculturalist.

On my estate in Bohemia I bred (name?) horses of the breed "Fahoman." For this I received in the second half of my twenties the Czechoslovakian state prize for horse breeding, in the form of a sum of money in gold and a large silver medal. In addition I reared a good breed of pigs. In consequence of my breeding of the Bern-Hanna Redspot cattle, the highest milk production which was recorded for this breed.

In agriculture I grew finally Superelite and Elite kinds of corn, also clover and lucerne seed and (?) potatoes.

All these varieties were used for valuable articles in various countries and always gained the highest prizes at home. In addition, I was a member of the agricultural milk board and the agricultural spirit manufacture to whose governing board I also belonged so that I am thoroughly familiar with all this work.

Naturally I also reared poultry. Even in the old Austro-Hungarian days I held an important post as forestry expert and I am completely familiar with all the problems of forest management, floating wood, and rafts in rivers.

Until my flight I had in all these fields more than 30 years' experience.

I want to go to New York or Chicago or elsewhere to a big town in United States of America. I should like to go to the State of Oregon, where there are forests and agriculture and where a man with my knowledge and experience cannot only build up for himself a sure living but can also give to this new homeland valuable services in the interests of agriculture since I believe them to be short of workers in this field.

I have a sponsor in America, Mrs. Olga E. Minnick, 2920 Washington Street, Eugene, Oreg. Since March 1951 I have been working at my emigration to United States of America and expecially at section D., C. S. R., 3c, Refugee Relief Act. Until now all my attempts have been in vain—I was always set aside because 30 years ago I had inflammation of the lung and this has left a small permanent scar. Although I have experienced no further trouble for 30 years and a well-known lung specialist and also the State health department states repeatedly the fact that this will remain until death it is healed but all scars remain. I have never had TB.

On November 21 I was in Munich and saw the United States doctor and he told me to come back in 6 months time. I should be very grateful to you if you could help me so that I could at last get out of this humiliating situation of living in this camp and again take a useful occupation.

(Signed) HOVORKA.

[Translated from German. o. m.]

[Copy of letter received by O. Marshall from Jan Hovorka, Landshut Camp, Germany, dated October 24, 1955]

"* * * I am an agriculturalist. I was appointed to the Karl University in Prague as master of agriculture as a result of a thesis on the theme New Ways To Organize Estates.

My home address was Hate, Ber. Kolin nd/E Czechoslovakia; it was a large estate laid out as an experimental center. Many new plants and animal feeding studies were cultivated and new species discovered; these were destined for export, some even going to Aus-

tralia. Such work is, of course, hard and lasts many years before success is realized and demands much money and careful calculation.

The Communists have, however, destroyed everything since today my property is parceled out amongst laborers without any technical knowledge. Our whole agricultural structure is on the decline. I had many an unpleasant time from 1945 till I fled in the beginning of 1949.

I have been here 7 years without work—completely shatters one. The loneliness and feeling of being forgotten has driven many intelligent people to take their own lives. Our wretchedness has already existed a long time. I get DM54 a month for food and also I pay between DM8–10 for electricity and buy coal, soap, and clothing out of it.

My whole country is sick, many people have died in my homeland. My wife was operated on 7 years ago for cancer and since that time I have heard nothing from her. My sister who is a widow and a professor wrote to me in 1954 that she would like to adopt my son but the Communists would not allow it. I think my wife is dead. My son will be 11 years old in October 1955. Many friends have had the good fortune to emigrate.

I will be extremely thankful for anything you can send. I do not receive parcels—I would like a suit, I am 180 centim. tall. Please do not also forget coffee, butter, vitamin pills and honey so that I may keep my good health.

If the good God gives me the chance to return home and my homeland is free you must certainly visit me and I will have the honor to receive you on my estate. You will then meet me son, God grant it.

I thank you from the bottom of my heart for everything which you will do for me to overcome my difficulties. Dear Mrs. Marshall and Professor Marshall I trust that you will remain in the very best of health as well as your dear children.

(Signed) HOVORKA.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3276) should be enacted.

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Calendar No. 2350

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2326

ALECOS MARKOS KARAVASILIS AND HIS WIFE, STELIANI KARAVASILIS

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1847]

The Committee on the Judiciary, to which was referred the bill (S. 1847) for the relief of Alecos Markos Karavasilis and his wife, Steliani Karavasilis, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That, for the purposes of the Immigration and Nationality Act, Alecos Markos Karavasilis and his wife, Steliani Karavasilis, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Alecos Markos Karavasilis and his wife, Steliani Karavasilis. The bill provides for the appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are a 72-year-old husband and his 67-year-old wife who are natives of Turkey and citizens of Greece. They resided in the United States from 1915 until 1921, at which time they returned to Turkey. In 1953 they immigrated to Canada, but are presently in the United States. Three of their children are United States citizens; two are resident aliens; two children reside in Canada and one resides in Greece. The female beneficiary also has three brothers and one sister residing in the United States.

A letter, with attached memorandum, dated October 27, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 27, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1847) for the relief of Alecos Markos Karavasilis and his wife, Steliani Karavasilis, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Baltimore, Md., office of this Service, which has custody of those files.

The bill would provide for the issuance of immigrant visas to the beneficiaries notwithstanding the quota limitations of the Immigration and Nationality Act and authorize their admission for permanent residence if they are otherwise admissible under that act. It would also direct that the required numbers be deducted from the appropriate immigration quota or quotas.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ALECOS MARKOS KARAVASILIS AND HIS WIFE, STELIANI KARAVASILIS, BENEFICIARIES OF S. 1847

Information concerning this case was obtained from Emmanuel Demitrios Hondroulis, the brother of Steliani Karavasilis.

The beneficiaries are husband and wife. The male beneficiary, Alecos Markos Karavasilis, who is also known as Alecos Markos Hajimichalis, is a native of Turkey and a citizen of Greece. He was born on April 20, 1884, at Vonakion, Asia Minor, Turkey. He has two brothers who reside in the United States; one is a United States citizen, the other is a resident alien.

The female beneficiary, Steliani Karavasilis, was Steliani Hondroulis prior to her marriage. She is a native of Turkey and a citizen of Greece. She was born on June 10, 1889, at

Vonakion, Asia Minor, Turkey. She has three brothers who reside in the United States; two are United States citizens, the other is a resident alien. She also has one sister residing in the United States who is a United States citizen.

The beneficiaries have 8 children, 5 of whom reside in the United States, the youngest being 23 years of age; 3 are United States citizens, 2 are resident aliens. They also have 2 children who reside in Canada and 1 child who resides in Greece. The male beneficiary has a limited education and is a farmer by occupation although presently unemployed. The female beneficiary is a housewife. She has a limited elementary school education. The beneficiaries have no assets. They have been supported during the last 15 years by their children and the female beneficiary's brother, Emmanuel Demitrios Hondroulis. The beneficiaries resided in the United States and operated a farm in the vicinity of Bethlehem, Pa., from 1915 until 1921 at which time they returned to Turkey. In 1953 they immigrated to Canada. They now reside at 478 Talbot Street, London, Ontario, Canada.

Mr. Emmanuel Demitrios Hondroulis, the party interested in this case, was born in Greece on October 26, 1914. He became a citizen of the United States through naturalization on March 11, 1940, at Baltimore, Md. He resides with his wife and three children at 4 South Mount Olivet Lane, Baltimore, Md. Mr. Hondroulis served in the United States Army from February 1941 to September 1945. He now is the sales representative for the Maryland Shipbuilding & Drydock Co. at Baltimore, Md. His yearly income is in excess of $14,000. His assets are valued at $40,000.

Senator John Marshall Butler, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
January 25, 1956.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: On April 28, 1955, I introduced Senate bill 1847, for the relief of Alecos Markos Karavasilis and his wife, Steliani Karavasilis, providing that, notwithstanding the quota limitations of the Immigration and Nationality Act, immigration visas may be issued, and admission for permanent residence granted to them if they are otherwise admissible under the Immigration and Nationality Act.

Mr. and Mrs. Karavasilis are 67 and 73 years of age, respectively, and are natives of Asia Minor and citizens of Greece. During their lifetime their family has emigrated to America and, with the exception of 1 son who remains in Greece and 2 sons who now live in Canada, their family are residents and citizens of the United States.

Although they filed visa applications with the American consul in Greece several years ago, because of the substantial backlog in applications from persons of their national origin, little chance exists that their names would be reached before they pass away. Their

supreme desire is to end their days with their five children in the United States who are most anxious to have them and who have the means to see that they are amply provided for and live comfortably, happily, and at ease.

It is my view that this measure merits favorable consideration and I would appreciate your cooperation in assuring that it obtains early approval by the Judiciary Committee.

With best wishes, I am,

Sincerely,

JOHN MARSHALL BUTLER,
United States Senator.

BALTIMORE, MD., *November 10, 1955.*

Re Mr. and Mrs. Alecos Markos Karavassillis

Hon. JOHN MARSHALL BUTLER,
Senate Office Building, Washington, D. C.

DEAR SENATOR BUTLER: This appeal is being made on behalf of and for an aged couple and their five distraught children. We children are desperately longing to have our 73-year-old father and 67-year-old mother spend the rest of their allotted time on earth here in the United States with us. A son, James Hajimihalis, has not seen his beloved parents in 27 years; a daughter, Catherine Kutson, has not seen them in 20 years—for the other three it has also been many years of separation—with always the wonder—would time run out before our parents and we could be reunited? With this thought always in mind, we five children have been unable to enjoy life as it can be enjoyed here. We need our parents. We and our seven children need them with us here in the United States permanently. The seven grandchildren know their only grandfather and grandmother from pictures alone. They, too, should know the wonderful relationship that can exist between grandchildren and grandparents.

We five children are all willing and able to support our parents and just beg for the chance to be allowed to do so.

Mrs. Karavassillis also has 3 brothers and 1 sister here in the States. One of the brothers, Mr. Emanuel Hondroulis, has stated his willingness to give any financial aid necessary to insure their support if this would facilitate their coming here to live.

Please! Unite us with our parents.

Any assistance that you may give us will never be forgotten.

Very truly yours,

JAMES HAJIMIHALIS.
CHRESY KOSTIS.
DIMETRIUS HAJIMIHALIS.
HELEN KARAVASILIS.
CATHERINE KUTSON.

UNITED STATES SENATE,
June 7, 1956.

HON. JAMES O. EASTLAND,
Chairman, Subcommittee on Immigration and Naturalization,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In answer to an inquiry from the subcommittee staff, this is to advise that Alecos Markos Karavasilis and Steliani Karavasilis, beneficiaries under Senate bill 1847, which I have introduced, are presently visiting in this country and expect to be here until September.

With best wishes, I am,
Sincerely yours,

JOHN MARSHALL BUTLER,
United States Senator.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1847), as amended, should be enacted.

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Calendar No. 2351

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2327

ARNOLD ROSENTHAL

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2022]

The Committee on the Judiciary, to which was referred the bill (S. 2022) for the relief of Arnold Rosenthal, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 7 following the word "fee.", strike the remainder of the bill.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Arnold Rosenthal. The bill provides for the payment of the required visa. The bill has been amended to delete the quota charge, inasmuch as the beneficiary is entitled to nonquota status as the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 52-year-old native and citizen of Germany who last entered the United States on January 28, 1948 at Miami, Fla., as a seaman. He married his present wife in Habana in 1939. She entered the United States at Miami in 1948 and obtained a divorce from her first husband in September 1953, whereupon the beneficiary and wife were remarried in Indiana. They presently reside in Lorain, Ohio, where the beneficiary is engaged in dry cleaning and clothing business. His wife was naturalized a citizen of the United States July 1955. The beneficiary would be inadmissible should he leave the United States because of a conviction of a crime involving moral turpitude, to wit, swindle or fraud.

A letter, with attached memorandum, dated November 9, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 9, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2022) for the relief of Arnold Rosenthal, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cleveland, Ohio, office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

It appears that the beneficiary is eligible to nonquota status, and, if otherwise qualified, able to obtain a nonquota immigrant visa.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ARNOLD ROSENTHAL, BENEFICIARY OF S. 2022

Arnold Rosenthal, also known as Arnold Nussenbaum, a German subject, was born on September 23, 1903, in Frankfurt on Main, Germany. Mr. Rosenthal has stated that he and his wife were married by a Jewish rabbi about 1939 in Habana, Cuba. His wife was granted a divorce from her first husband in common pleas court, Lorain County, Ohio, on September 24, 1953. On September 30, 1953, Mr. Rosenthal and his wife were then married by a justice of the peace in Angola, Ind. Mrs. Rosenthal married her first husband on February 18, 1926, in Habana, Cuba, and there is one daughter as a result of this marriage. The daughter is married and resides in Lorain, Ohio. Mrs. Rosenthal entered the United States an March 26, 1948, at Miami, Fla., and is now a United States citizen through naturalization at Cleveland, Ohio, on July 15, 1955.

The beneficiary has resided in Lorain, Ohio, since his arrival in the United States. He is a dry cleaner and merchant in men's wear and is presently self-employed in that capacity in Lorain, Ohio. He has had the equivalent of a high school education in business administration in Germany. Prior to his entry into the United States, he resided in Cuba for approximately 11 years and worked at odd jobs because he was unable to obtain a working permit. He states that his net yearly income is approximately $2,800 to $3,000. He owns personal property and effects valued at approxi

mately $8,000. Other than his wife, Mr. Rosenthal has no known relatives in the United States or abroad. His parents are deceased.

Mr. Rosenthal arrived in the United States on January 28, 1948, at Miami, Fla., aboard a small cargo vessel and was admitted as a seaman. Deportation proceedings were instituted against him on June 23, 1953, on the charges that at the time of his entry he was an immigrant not in possession of a valid immigration visa and not exempted from the presentation thereof, that he did not present an unexpired passport or official document in the nature of a passport and that he failed to furnish a notification of change of address. On July 1, 1954, he was found deportable on these grounds and also on the charge that prior to entry he was convicted of a crime involving moral turpitude, to wit, swindle or fraud in violation of articles 549–550, Code of Social Defense of Cuba. On February 11, 1955, the Board of Immigration Appeals dismissed his appeal. A warrant of deportation is outstanding in his case.

The beneficiary has had no military service in the United States or any other country. He states that a companion bill H. R. 7220, 84th Congress, was also introduced in his behalf on July 7, 1955.

Senator George H. Bender, the author of the bill, has submitted the following information in connection with the case:

THE CITY OF LORAIN, OHIO,
April 10, 1956.

To Whom It May Concern:

Please be advised that I have known Mr. Arnold Rosenthal for many years.

Mr. Rosenthal has a dry-cleaning, tailoring, and men's clothing store in our city. I have always known him to be a young man of fine character and thoroughly reliable. His honesty and integrity are above reproach.

Any consideration given Mr. Rosenthal in his request will be appreciated.

Yours truly,

JOHN C. JAWORSKI, *Mayor.*

THE CITY BANK CO.,
Lorain, Ohio, April 6, 1956.

To Whom It May Concern:

We wish to write this letter in behalf of one of our valued customers, Arnold Rosenthal, 2044 East 29th Street, Lorain, Ohio. He came to Lorain, Ohio, in 1948 and he immediately opened an account with our bank and has continued to do business with us to this present day. Shortly after coming to Lorain, he opened a place of business which he is now operating, called the Havana Dry Cleaning & Men's Wear, located at 3012 Grove Avenue. Currently, Mr. Rosenthal has a savings account in the amount of $2,500 and a balance on his check-

ing account of $200. Mr. Rosenthal is a family man and has one daughter, married, living in Lorain. He is a member of the South Lorain Business Men's Association, the B'nai Brith Lodge and Jewish Temple.

During the time we have known Mr. Rosenthal, he has been meticulous in taking care of his banking-business transactions. We have had occasion to extend him credit from time to time on an unsecured basis and he always took care of his obligations as agreed. He enjoys an excellent reputation both in private and business life. We feel confident that whatever he undertakes to take care of, he will carry out to fulfillment.

Yours very truly,

A. J. PELANDER,
Vice President-Cashier.

LORAIN CITY REPUBLICAN CENTRAL COMMITTEE,
Lorain, Ohio, April 16, 1954.

To Whom It May Concern:

I have known Mr. Arnold Rosenthal, of 2044 East 29th Street, Lorain, Ohio, for the past 4 years. He is known as a businessman who always deals fairly with his customers.

Having been subjected to the mistreatment of old world minority group prejudices, he has been especially helpful to those needing assistance in the community. While he has been unable, due to citizenship requirements, to vote, he has for the past several election campaigns demonstrated an eagerness and willingness to promote Republican Party ideals, and has worked diligently for the election of Republican candidates.

His reputation has been above reproach. It is a pleasure to commend him.

Yours very truly,

ALFRED PORKOLAB,
City Chairman.

GIVNER'S INC.,
Lorain, Ohio, April 5, 1956.

To Whom It May Concern:

For the past 8 years that we have known Mr. Arnold Rosenthal, it has been a pleasure to have him as a personal friend and to do business with him.

He established himself in a modest dry cleaning, tailoring, and mens' clothing store and is very well known to the business people of Lorain, as a very reliable person and his character in business and friendship is above reproach.

Sincerely,

IRVING L. KAHN,
Secretary-Treasurer.

SOMERS-SMITH AGENCY,
April 6, 1956.

To Whom It May Concern:

I have known Arnold Rosenthal since 1949 when he first came to Lorain. I have done business with him since 1950 and know him to be a man of good repute.

He operates a dry-cleaning establishment and a retail men's clothing store on Grove Avenue in Lorain. During the last 6 years, his business seems to have prospered. I know I have never had to wait beyond our credit terms for any insurance premium due us from Mr. Rosenthal, nor has he ever made an unjust request from me. He is considered an A–1 customer in our office.

Sincerely yours,

HOWARD B. SOMERS, Jr.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2022), as amended, should be enacted.

O

Calendar No. 2352

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2328

MRS. GERALDINE ELAINE SIM

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2882]

The Committee on the Judiciary, to which was referred the bill (S. 2882) for the relief of Mrs. Geraldine Elaine Sim, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That, for the purposes of the Immigration and Nationality Act, Mrs. Geraldine Elaine Sim shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Mrs. Geraldine Elaine Sim. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native and citizen of Great Britain of the Chinese race. She entered the United States at San Francisco, Calif. on September 14, 1953, as a student. She is married to a citizen of China and they have a 2-year-old United States citizen daughter. Another child is expected shortly. The

husband's application for adjustment of status under section 6 of the Refugee Relief Act has been approved.

A letter, with attached memorandum, dated May 21, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 21, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2882) for the relief of Mrs. Geraldine Elaine Sim, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Kansas City, Mo., office of this Service, which has custody of those files.

The bill is apparently intended to grant the beneficiary permanent residence in the United States. However, it is drawn in a form usually reserved for persons seeking entry into the United States. It fails to provide for the payment of the required visa fee, for a deduction from the appropriate immigration quota, or for the expective date of permanent residence. It is suggested that, if the committee desires to grant relief to the beneficiary, the following language be substituted:

"That, for the purposes of the Immigration and Nationality Act, Mrs. Geraldine Elaine Sim shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control office to deduct one number from the appropriate quota for the first year that such quota is available."

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. GERALDINE ELAINE SIM, BENEFICIARY OF S. 2882

The beneficiary, Mrs. Geraldine Elaine Sim, nee Sin, a native and citizen of Great Britain and of the Chinese race, was born on December 12, 1931. She married Alfred Yang Ping Sim, a citizen of China, on November 20, 1953. They have one daughter, a citizen of the United States, born on September 12, 1954, and are expecting their second child in June 1956. The family group resides at 30B Sunnyside Apartments, Lawrence, Kans.

The beneficiary is not employed outside the home. She attended elementary and secondary schools in Hong Kong and college in Switzerland. In addition she attended the University of Kansas for 2 years. A brother resides in England and a sister resides in Los Angeles, Calif.

The beneficiary entered the United States as a student at San Francisco, Calif., on September 14, 1953. Extensions of stay to October 10, 1955, were authorized. Deportation proceedings were instituted on February 21, 1956, on the ground that she had failed to comply with her student status. She was granted the privilege of departing voluntarily from the United States with the provision that failure to depart would result in her deportation.

The beneficiary's husband is temporarily in the United States as a student. His application for adjustment of status under the provisions of the Refugee Relief Act has been granted and referred to the Congress.

Senator Frank Carlson, the author of the bill, has submitted the following information in connection with the case:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Kansas City, Mo., May 8, 1956.

GERALDINE ELAINE SIM,
30B Sunnyside Apartments, Lawrence, Kans.

DEAR MADAM: In accordance with your pending immigration case an order was entered on March 9, 1956, a copy of which was furnished you at that time, directing your departure from the United States in lieu of deportation at your own expense and within such period of time and under such conditions as the district director, having administrative jurisdiction, shall direct. This order is considered to be final.

In view of the fact that a private bill, S. 2882, has been introduced in your behalf in the 84th Congress of the United States, the purpose of which is to grant you the status of an alien legally admitted to the United States for permanent residence, you are hereby granted a period of time until August 1, 1956, or if the bill is adversely disposed of by Congress, then 30 days from the date of such disposition, whichever occurs sooner, within which to effect your departure from the United States to any country of your own choice. Should you fail to so depart steps will be taken looking toward your enforced departure from this country. The provisions of this letter are subject to revocation upon 30 days' notice.

You should keep this Office advised of your current address and activities.

Very truly yours,

LEWIS D. BARTON,
Acting District Director.

LAWRENCE, KANS., *May 15, 1956.*

Hon. Senator FRANK CARLSON,
Senate Office Building,
Washington, D. C.

DEAR SENATOR CARLSON: Following your introduction of a private bill for my wife Elaine in Congress. The immigration officers in the Kansas City, Mo., office has interviewed my wife several times. Among which was a hearing that is stated in the enclosed letter from the Immigration Office. During the hearing, the officer informed me that although my wife is a British subject by birth, her being of Chinese

origin would give her no relief but a private bill of Congress which you so kindly introduced.

However, in this enclosed letter they put a time limit of August 1 for my wife's stay which means that unless action on this private bill is taken during this session of Congress it would be too late for the next.

I have been in the United States s nce 1949 myself, and I love this country and the things it stands for. I am looking eagerly to the day that I'll sworn in as a citizen. However, I shall be uprooted and my dreams shattered should my wife and two young babies (expecting one end of this month) be forced to leave this great country. As I cannot bear separating with them and must in some way follow them to Hong Kong myself.

Therefore, I prayerfully hope that with your kind help, something can be done during this session of Congress and my family may remain together in this great land. The last bastion of democracy.

Gratefully yours,

ALFRED SIM.

TRINITY EPISCOPAL CHURCH,
Lawrence, Kans., December 28, 1955.

DEAR SENATOR CARLSON: First coming to this country on a student visa, I understand now that Elaine Sim is applying for a new status for residency and as her pastor I can wholeheartedly commend her petition.

I have known Elaine since she first came to this country in September 1953. She was then engaged to Alfred Sim and as students of the university they both participated actively in the church's program for students. In December of that year, I performed their wedding ceremony. Both of them have continued their loyalty and support of this parish and take an active part in the organizations. Alfred has continued his schooling but Elaine has finished since their baby was born. They have many friends in the church and in the university and continue as loyal citizens in the community. We all are happy to have them among us.

Sincerely,

R. C. SWIFT.

LAWRENCE, KANS., *December 29, 1955.*

Hon. FRANK CARLSON,
United States Senate, Washington, D. C.

MY DEAR SIR: I am proud of the fact that Mrs. Elaine Geraldine Sim is a true friend of mine—true in every sense of the word. She is kind, sympathetic, unselfish, and loyal.

I have never had a more sincere friend, and my praise for her in every respect is unlimited.

Yours respectfully,

Miss ELIZABETH A. COX.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2882), as amended, should be enacted.

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Calendar No. 2353

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2329

MATHILDE GOMBARD-LIATZKY

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3583]

The Committee on the Judiciary, to which was referred the bill (S. 3583) for the relief of Mathilde Gombard-Liatzky, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 11, following the period, add the following:

> *And provided further*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act. For the purposes of this Act, Mathilde Gombard-Liatzky shall be deemed to have been born in Russia.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provisions of existing law relating to one who is afflicted with feeblemindedness in behalf of the sister of a United States citizen. The bill provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge. A further purpose of the bill is to enable Mathilde Gombard-Liatzky to enjoy the immigration status of one who was born in Russia.

STATEMENT OF FACTS

The beneficiary of the bill is a 36-year-old native of Turkey who presently resides in Paris, France, with her 87-year-old grandmother. She was born on an Italian ship in a Turkish port of Russian parents. Her grandmother is able to obtain a visa, but the beneficiary has been

denied a visa because of feeblemindedness. The beneficiary's sister, a naturalized citizen of the United States, is married to a United States citizen and they reside in Oklahoma. They have been supporting the grandmother and the beneficiary and it is their desire to have them live with them in the United States.

A letter, with attached memorandum, dated June 8, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 8, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3583) for the relief of Mathilde Gombard-Liatzky, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Dallas, Tex., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which excludes from admission into the United States aliens who are feebleminded and aliens who are afflicted with psychopathic personality, epilepsy, or a mental defect, and would authorize the alien's admission for permanent residence if she is found to be otherwise admissible. The bill would also provide that this exemption shall apply only to grounds for exclusion under these provisions of which the Department of State or the Department of Justice has knowledge prior to the enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MATHILDE GOMBARD-LIATZKY, BENEFICIARY OF S. 3583

Information concerning the case was obtained from Mrs. Frances Bitz, the beneficiary's sister.

Mathilde Gombard-Liatzky, a Turkish subject, was born on July 11, 1920, aboard the Italian steamship *Palacky* while ancored at Port Samsum, Turkey. She has never been married and is residing with an 87-year-old grandmother, Sophie Wolter, at 8 Rue Miollis, Paris 15, France. According to Mrs. Bitz, the beneficiary is mentally retarded and for that reason completed only three grades in school. She and the grandmother are dependent upon Mrs. Bitz for support. Her parents died several years ago.

Mrs. Frances Bitz, formerly Frances Karjala, nee Gombard-Liatzky, was born on April 2, 1925, in Meyrannes, France. She became a citizen of the United States by naturalization on December 4, 1949. She married Capt. Gerald F. Bitz, a United States citizen and United States Air Force career serviceman, on October 16, 1951, in Minne-

apolis, Minn. No children have been born of this marriage. Mrs. Bitz was previously married to H. L. Karjala. This marriage was terminated by divorce in October 1950. A daughter, born of this marriage on January 21, 1948, is living with Captain and Mrs. Bitz at 222 Ninth Avenue NW., Ardmore, Okla.

Mrs. Bitz has testified that her husband has furnished affidavits of support to the American Embassy in Paris, France, for the issuance of an immigrant visa for the beneficiary and her grandmother. She also testified that Captain Bitz' mother, Mrs. Mabel Bitz, is partially dependent upon him for support. Captain Bitz receives approximately $675 a month salary from the United States Air Force and has assets valued at $6,000.

Senator Robert S. Kerr, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

AMERICAN EMBASSY,
PARIS, FRANCE, *March 28, 1956.*

Hon. ROBERT S. KERR,
United States Senate.

MY DEAR SENATOR KERR: In the temporary absence of the Ambassador I am acknowledging the receipt of your letter of March 21, 1956, expressing your interest in the immigrant visa cases of Mrs. Sophie Wolter and Miss Mathilde Gombard-Liatzky, grandmother and sister, respectively, of Mrs. G. F. Ritz, Ardmore, Okla.

The records of the Embassy show that Mrs. Wolter and Miss Gombard-Liatzky were registered as intending immigrants on March 9, 1948, the former on the Russian and the latter on the Turkish quota waiting lists.

Mrs. Wolter's registration date for a quota number was reached in December 1949. She was notified to present the necessary documents and evidence required in support of an immigrant visa application. Since there was no compliance by her the Embassy was not able to proceed with the consideration of her case. She is again being notified of the requirements for renewed action on her application.

In Miss Gombard-Liatzky's case, the Turkish quota has been so heavily oversubscribed that her registration date has never been reached for the issuance of a quota number for her use. It is not possible even now to estimate when action will be taken in her case. There is sufficient demand under the first three preference classifications to exhaust the entire Turkish quota for several years.

Your interest in these cases has been noted and I wish to assure you that they will be accorded every consideration consistent with the provisions of the immigration laws and regulations.

Sincerely yours,

FREDERICK B. LYON,
American Consul General.

ARDMORE, *March 9, 1956.*

SIR: I have been advised to turn to you concerning the following matter:

I am a French war bride of World War II and I would like to bring into the States my only living relatives in France.

I lost my parents when I was a small child and my sister and I were placed in an orphanage until my grandmother took us out and raised us.

While in the orphanage, my sister had an accident. She was electrocuted and the shock stopped her mental development. She stayed childish and sweet. She is now 35 years old but unable to work except around the house.

My grandmother is now 87 years old and she is doing everything and takes wonderful care of my sister but if anything should happen to her my poor sister would be left completely alone with no one to help her.

That is why I am trying to bring them here but I know I need help and that's why I turned to you.

My grandmother and sister are not French citizens. They have Russian refugee papers and they are not getting any help from the French Government. My husband and I have been supporting them for years and they would never become a burden for the American Government.

My husband is a captain in the Air Force and is stationed in Ardmore.

I have already written to Washington, D. C., in 1948 (reference to VD 811.111, Wolter Madame), but at the time they told me that the quota for certain countries were oversubscribed and that we would have to wait.

Years have passed and the situation is getting desperate as my grandmother grows older. Please help me to do something for them before it's too late. I shall be forever so grateful.

Waiting anxiously for your answer, I remain,

Sincerely yours,

FRANCES BITZ.

P. S.: My address is Capt. and Mrs. G. F. Bitz, 222 9th Avenue NW., Ardmore, Okla.

MARCH 27, 1956.

SIR: I thank you very much for your letter of March 21, advising me of all the steps you have already taken in order to help me bring my grandmother and sister to the States.

I just received some information from my grandmother. They did register in 1947 and in March 1948 received the following numbers of registration: Sophie Wolter, No. 900; Mathilde Lombard-Diatzky, No. 240.

She adds that she received her quota in 1949 but that my sister had some trouble because of the difficulty to determine under what quota she should be.

My grandmother went to the Turkish consulate and she was told that my sister could not get a Turkish passport because she was not registered in Turkey and that since her parents were Russian refugees

she was supposed to get a Russian refugee passport. She then went to see a lawyer who said that the matter could be cleared but it would cost quite a bit. I can't understand the necessity of such an expense. Maybe you can advise me on this matter.

I can't tell you how much I appreciate everything you are doing for us and may God bless you for your kindness.

Respectfully yours,

FRANCES BITZ.

P. S.: I am sending you a copy of my sister's birth certificate to help you understand the situation. If you don't need it, would you please return it to me?

Thank you.

Sincerely yours,

FRANCES BITZ.

STATE DEPARTMENT,
March 21, 1956.

Hon. C. DOUGLAS DILLON,
American Ambassador, American Embassy,
Paris, France.

DEAR AMBASSADOR DILLON: Capt. and Mrs. G. F. Bitz, of Ardmore, Okla., have written me with regard to Mrs. Bitz' sister and grandmother coming to this country from Paris to live with them.

I am enclosing a copy of two letters I have received from Mrs. Bitz, which explains that her grandmother and sister registered in 1947.

I would like to inquire if the Embassy has any record for them, and if their registration date of 1947 would still be in order for visa consideration.

The grandmother's name is Mrs. Sophie Wolter, who lives at 8 Rue Miollis, Paris 15. The sister, Mathilde Gombard-Liatzky, resides with her.

Would it be possible for the Embassy to mail to their address the necessary forms they would need to fill out for visa consideration?

Since Captain and Mrs. Bitz have been supporting them for years, they will submit to the Embassy the necessary financial evidence of support.

In view of the sister's birth on an Italian ship, in a Turkish port, it would be helpful to know whether she would come under the Italian or Turkish quota.

I would appreciate your giving me whatever information you may with regard to their possibilities to receive visa consideration, and your Embassy being of help to them in this connection.

With my thanks and best wishes, I am,

Sincerely,

ROBERT S. KERR.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3583), as amended, should be enacted.

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Calendar No. 2354

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2330

TOWN OF FREEPORT, MAINE

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3650]

The Committee on the Judiciary, to which was referred the bill (S. 3650) for the relief of the town of Freeport, Maine, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On page one, in line 12, strike the words "in excess of 10 per centum thereof".

PURPOSE

The purpose of the proposed legislation is to pay to the town of Freeport, Maine, the sum of $2,500 for reimbursement of a portion of certain costs incurred by the town when a bridge was destroyed during the hurricane of 1954.

STATEMENT

Public Law 875 of the 81st Congress, an act to authorize Federal assistance to States and local governments in major disasters, provided for Federal assistance in—

> making emergency repairs to and temporary replacements of public facilities of local governments damaged or destroyed in such major disasters, and making contributions to States and local governments for purposes stated * * *

During the hurricanes of 1954 a bridge was washed out in the town of Freeport, Maine. Under emergency State legislation and Public

Law 875 of the 81st Congress the State and Federal Governments would each have borne half of the cost of replacement. The cost of restoration of the washed-out bridge was determined to be $8,000. If the town of Freeport had restored the bridge, the State and Federal Governments would each have contributed $4,000 to the restoration.

The town of Freeport, however, noting that the bridge served only a single resident beyond the washout, undertook to reduce the sum of $8,000 by purchasing the property served by the washed-out bridge and then reselling the property with a stipulation that the bridge would not be restored.

The town proceeded to purchase the property for $10,000 and then sold it for $5,000 under an agreement with the buyer that the bridge would not be restored. The net deficit then was $5,000, or $3,000 less than the cost of replacement of the bridge.

The State of Maine adopted a liberal construction of its disaster-relief laws and reimbursed the town, for half the cost of this transaction, in the amount of $2,500.

The town submitted an application for Federal reimbursement for the remaining $2,500. The application was not approved.

The Administrator of the Federal Civil Defense Administration in a report, dated May 25, 1956, which is printed in full below, has advised the committee:

> Had the town of Freeport made application to the Federal Civil Defense Administration for the emergency repair or temporary replacement of the bridge, this Administration, under the authority of subsection 3 (d) of Public Law 875, would have been authorized to make a financial contribution for the temporary replacement of the bridge; or in the alternative, a financial contribution in an amount equal to the cost of the temporary replacement toward the permanent repair of the bridge. Since the town of Freeport elected to purchase the property and resell to the purchaser with the stipulation that the responsibility for the bridge and the maintaining of the road approach to the bridge would no longer be the responsibility of the town of Freeport, the Federal Civil Defense Administration could not consider a bridge which was being abandoned an "essential facility" within the meaning of the act, and the application of the town of Freeport was therefore denied.
>
> The estimated cost of the permanent replacement of the bridge was $8,000. The town of Freeport elected to purchase the property for $10,000, and to resell to a new owner for $5,000, resulting in a deficit of $5,000 to the town. As mentioned above, the sale by the town contained the stipulation that there was to be no liability for the replacement or maintenance of the bridge. If the town had submitted an application for the repair or replacement of the bridge, the Federal share of the expense would have been one-half of $8,000 ($4,000) upon approval of the application.
>
> The solution of the town of Freeport to the repair or replacement of the bridge appears to us a very sensible and reasonable manner of resolving the problem. Although the town of Freeport has no claim against the Federal Government under law, the merits of S. 3650 are such that the Fed-

eral Civil Defense Administration would interpose no objection to the enactment of the bill into law.

The committee believes that the net result of the action by the town was to reduce by $1,500 the amount which the Federal Government would otherwise have paid, and the committee does not believe that the town should be penalized for its initiative. Accordingly, the committee recommends the proposed legislation favorably.

Attached and made a part of this report is a letter, dated May 25, 1956, from the Administrator of the Federal Civil Defense Administration.

FEDERAL CIVIL DEFENSE ADMINISTRATION,
NATIONAL HEADQUARTERS,
OFFICE OF THE ADMINISTRATOR,
Battle Creek, Mich., May 25, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This is with reference to your letter of April 25, 1956, requesting a report from this Administration on S. 3650, a bill for the relief of the town of Freeport, Maine, in the amount of $2,500.

The $2,500 which would be authorized for payment to the town of Freeport under the bill represents the amount requested by the town in an application for Federal contributions under section 3 (d) of Public Law 875, 81st Congress, the Federal Disaster Act of 1950.

The application to FCDA for $2,500 was to cover one-half of the town's loss as a result of "purchase and sale of a house." The amount represented one-half of the cost to the town of a transaction instituted for the purpose of relieving the town of responsibility for reconstruction of a bridge which was destroyed in a major natural disaster. The purchase of the house by the town also relieved it of the responsibility for maintenance of the bridge and a part of the road leading thereto in the future.

The Federal Civil Defense Administration could not favorably consider the application of Freeport, Maine, since Public Law 875 confers no authority to make contributions for such purposes. The Federal Disaster Act was designed to assist States and local governments in carrying out their responsibilities "to repair essential public facilities in major disasters."

Section 3(d) of the act, in pertinent part, authorizes Federal agencies to provide assistance by: "Making emergency repairs to and temporary replacements of public facilities of local governments damaged or destroyed in such major disaster, and making contributions to States and local governments for purposes stated in subsection (d)."

Had the town of Freeport made application to the Federal Civil Defense Administration for the emergency repair or temporary replacement of the bridge, this Administration, under the authority of subsection 3(d) of Public Law 875, would have been authorized to make a financial contribution for the temporary replacement of the bridge; or in the alternative, a financial contribution in an amount equal to the cost of the temporary replacement toward the

permanent repair of the bridge. Since the town of Freeport elected to purchase the property and resell to the purchaser with the stipulation that the responsibility for the bridge and the maintaining of the road approach to the bridge would no longer be the responsibility of the town of Freeport, the Federal Civil Defense Administration could not consider a bridge which was being abandoned an "essential facility" within the meaning of the act, and the application of the town of Freeport was therefore denied.

The estimated cost of the permanent replacement of the bridge was $8,000. The town of Freeport elected to purchase the property for $10,000, and to resell to a new owner for $5,000, resulting in a deficit of $5,000 to the town. As mentioned above, the sale by the town contained the stipulation that there was to be no liability for the replacement or maintenance of the bridge. If the town had submitted an application for the repair or replacement of the bridge, the Federal share of the expense would have been one-half of $8,000 ($4,000) upon approval of the application.

The solution of the town of Freeport to the repair or replacement of the bridge appears to us a very sensible and reasonable manner of resolving the problem. Although the town of Freeport has no claim against the Federal Government under law, the merits of S. 3650 are such that the Federal Civil Defense Administration would interpose no objection to the enactment of the bill into law.

Advice has been received from the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely,

VAL PETERSON.

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Calendar No. 2355

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2331

DOREEN TSUNG-TAO CHEN

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1328]

The Committee on the Judiciary, to which was referred the bill (S. 1328) for the relief of Doreen Tsung-tao Chen, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, strike the name "Doreen Tsung-tao Chen" and insert in lieu thereof, the following: "Mrs. Hubert Chan (formerly Doreen Tsung-tao Chen)".
2. In line 7 following the word "fee.", strike the remainder of the bill.
3. Amend the title of the bill to read: "A bill for the relief of Mrs. Hubert Chan (formerly Doreen Tsung-tao Chen)."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Mrs. Hubert Chan (formerly Doreen Tsung-tao Chen). The bill provides for the payment of the required visa fee. The quota charge has been deleted, inasmuch as the beneficiary is entitled to nonquota status as the spouse of a United States citizen. The bill has been further amended to show the beneficiary's married name.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of China who entered the United States on September 16, 1951 at Honolulu, T. H., as an exchange visitor. She attended Nazareth

College, School of Nursing, Louisville, Ky., from 1951 until 1954 and was graduated as a registered nurse. Since then she has been employed at the school as a clinical instructor. Although she is now married to a United States citizen and eligible for admission as a nonquota immigrant, she is unable to effect an adjustment because of her exchange visitor status. In view of her family relationship and her qualifications as a nurse, it is believed that approval of the bill is warranted.

A letter, with attached memorandum, dated June 29, 1955 to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., June 29, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1328) for the relief of Doreen Tsung-tao Chen, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cincinnati, Ohio, office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DOREEN TSUNG-TAO CHEN, BENEFICIARY OF S. 1328

Doreen Tsung-tao Chen, also known as Doreen Chen, was born November 3, 1929, in Shanghai, China, and is a citizen and subject of that country. She has never been married.

The beneficiary resides at 2733 Preston Highway, Louisville, Ky. She has been employed since October 25, 1954, as a clinical instructor at Nazareth School of Nursing, St. Joseph's Infirmary, Louisville, Ky. From September 1951 to October 6, 1954, she attended Nazareth College, department of nursing, Louisville, Ky., and received a bachelor of science degree in nursing and was graduated as a registered nurse. Her present salary is $270 per month. She has a savings account with the Lincoln Bank & Trust Co., Louisville, Ky., with a present balance of about $100. She values other personal assets at about $500.

The father of the beneficiary, Pau-Chong Chen, resided in Hong Kong, China. Her mother, Lilly-Lu Chen; brothers

Frederick C. Chen and Tsung-Foo Chen; and a sister, Tsung-Tsun Chen, all reside in Laipei, Taiwan. A brother, Alfred Tsung-Tsai Chen, and two sisters, Clice Chen and Theresa Chen, reside in Shanghai, China. In 1948, when the Communists were approaching that city, the father gained admission to Hong Kong, China, and the rest of the family fled to Taiwan.

The beneficiary was admitted to the United States on September 16, 1951, at Honolulu, T. H., as a visitor, pursuant to section 201 of the Information and Educational Exchange Act of 1948. Her last extension of stay expired September 16, 1954. Deportation proceedings were instituted on the ground that, after admission as a visitor she failed to maintain the status under which she was admitted. A hearing in deportation proceedings was held May 23, 1955. A special inquiry officer found the beneficiary to be subject to deportation for the reason given above. An oral order was entered granting the beneficiary the privilege of voluntary departure at her own expense in lieu of deportation, with a further order that if she failed to depart when and as required that she be deported.

Miss Chen is also the beneficiary of private bill H. R. 4972, 84th Congress.

Senator Earle C. Clements, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
July 8, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR HARLEY: I am writing to you in connection with S. 1328, a bill which I introduced this session for the relief of Doreen Tsungtao Chen, who entered the United States on September 16, 1951, pursuant to section 3 (2) of the Immigration Act of 1924 as amended. Miss Chen is a graduate of the Nazareth College of Nursing and since obtaining her degree has been employed as an instructor at that school. Miss Chen is a refugee from Communist-dominated China having sojourned in Formosa from December 1948 until September 1951 when she entered the United States.

In view of the fact that this individual cannot return to her native land and in view of the fact that there now exists in my State of Kentucky a critical shortage of nurses I take a great deal of interest in urging your committee to favorably report on this bill.

With cordial good wishes, I am,

Sincerely yours,

EARLE C. CLEMENTS.

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
July 18, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Subcommittee on Naturalization,
Senate Office Building, Washington, D. C.

DEAR HARLEY: With futher reference to S. 1328, the bill for the relief of Doreen Tsung-Tao Chen, I am enclosing a photostatic copy of a marriage certificate showing that Hubert Chan, an American citizen and a senior at the University of Louisville School of Medicine was married to Doreen Chen on June 11, 1955.

This circumstance adds much to the already favorable case made for the passage of S. 1328. Your committee's favorable consideration of this bill would be greatly appreciated.

With cordial good wishes, I am,
Sincerely yours,

EARLE C. CLEMENTS.

CERTIFICATE OF PERSON PERFORMING MARRIAGE CEREMONY

(To be delivered to parties married)

No. 451

I, Matthew T. Brennan, a priest of the Roman Catholic Church, or religious order of that name, do certify that on the 11th day of June 1955 at Louisville, Ky., under authority of a license issued by James F. Queenan, clerk of County Court of Jefferson County State of Kentucky, dated the 4th day of June 1955, I united Hubert Chan and Doreen Tsung Tao Chen husband and his wife, in the presence of Carlos Valbona, and Thelma Hiphac.

Given under my hand, this 11th day of June 1955.

MATTHEW T. BRENNAN.
(Person performing ceremony sign here)

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1328), as amended, should be enacted.

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Calendar No. 2358

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2332

YEE CHUNG FONG MING, YEE CHUNG NOM MING, AND GEE SHEE MING

JUNE 25 (Legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. Eastland, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2760]

The Committee on the Judiciary, to which was referred the bill (S. 2760) for the relief of Yee Chung Fong Ming, Yee Chung Nom Ming, and Gee Shee Ming, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, following the name "Yee Chung Fong Ming", change the comma to "and".
2. Beginning in line 4, strike the words "and Gee Shee Ming,".
3. Amend the title of the bill to read: "A bill for the relief of Yee Chung Fong Ming and Yee Chung Nom Ming."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Yee Chung Fong Ming and Yee Chung Nom Ming. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are natives and citizens of China, a 21-year-old and 22-year-old sister and brother. As originally introduced, the bill provided for adjustment for the mother, but an administrative remedy is available to her now, being the wife of a United States citizen. The beneficiaries applied for admission into the United States at Seattle, Wash., on November 23, 1949, as United States citizens; their mother had a nonquota visa. However, the claim

of citizenship was denied because the claimed relationship to the alleged husband and father was not reasonably established and the mother and children were considered excludable and were paroled into the United States. In 1951 the mother of the beneficiaries married the alleged husband and father and he adopted the children on February 2, 1951. The family presently resides in Missoula, Mont.

A letter, with attached memorandum, dated May 11, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2760) for the relief of Yee Chung Fong Ming, Yee Chung Nom Ming, and Gee Shee Ming, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Helena, Mont., office of this Service, which has custody of those files.

The bill would grant these aliens the status of permanent residents of the United States upon the payment of the required visa fees. It also directs that the required numbers be deducted from the appropriate immigration quota.

It appears that the beneficiary, Gee Shee Ming, is eligible to nonquota status and, if otherwise qualified, able to obtain a nonquota immigrant visa. She has been granted preexamination but has failed to avail herself of this relief.

The beneficiaries, Yee Chung Fong Ming and Yee Chung Nom Ming, are chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GEE SHEE MING, YEE CHUNG FONG MING, AND YEE CHUNG NOM MING, BENEFICIARIES OF S. 2760

The beneficiaries are all natives and citizens of China and of the Chinese race. Gee Shee Ming was born on December 2, 1899. Her daughter, Yee Chung Fong Ming, was born on January 31, 1935, and her son, Yee Chung Nom Ming, was born on August 24, 1933. Gee Shee Ming is married to Yee Ngow Hing, also known as Kim Ming, a citizen of the United States. Neither of the other beneficiaries has married. The family group resides at 127 East Sussex, Missoula, Mont.

None of the beneficiaries is employed. Gee Shee Ming received no education. Yee Chung Fong Ming and Yee Chung Nom Ming are high-school students. None has any assets.

The beneficiaries applied for admission to the United States at Seattle, Wash., on November 23, 1949. Gee Shee Ming was in possession of a nonquota immigrant visa as the wife of a citizen of the United States. Her children applied for admission as citizens of the United States. All were excluded on February 3, 1950, because the claimed relationship to the alleged husband and father was not reasonably established and, consequently, their respective claims to nonquota status and United States citizenship could not be recognized. They were paroled into the United States pending appeal. Their appeal from the excluding decision was dismissed by the Board of Immigration Appeals.

Yee Chung Nom Ming has had no military service. He is registered under the Universal Military Training and Service Act.

The husband and father, Yee Ngow Hing, or Kim Ming, was born February 15, 1898, at Long Won, Canton, China. He entered the United States on September 19, 1916, at San Francisco, Calif. He was married to the beneficiary, Gee Shee Ming, at Missoula, Mont., on January 24, 1951. On February 2, 1951, in the district court at Missoula, Mont., he adopted the beneficiaries Yee Chung Fong Ming and Yee Chung Nom Ming. He is half owner and operator of the Golden Pheasant Cafe, in Missoula, from which he derives an annual income of approximately $4,500. His assets consist of his equity in the cafe valued at $25,000 and a home valued at $18,000.

Senator Mike Mansfield, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

CRIPPEN & FLYNN,
Tacoma, Wash., July 11, 1955.

KIM MING,
Golden Pheasant Cafe,
Missoula, Mont.

DEAR KIM: I received this morning an answering letter from Mr. Boyd, the district director of the Seattle office. I am enclosing a copy for your information. I am also enclosing 3 bond releases covering your 2 children and your wife, and if you submit these to your local bond company representative where you put up the security, it will all be immediately released to you.

You will note that Mr. Boyd, after a conference with myself, and the district legal director, Mr. Mumford, that the paragraph I refer to in my conference with you could not apply to your children, in that they are holding that they are not eligible under section 244, or can they adjust their status under the other act referred to in the letter. Mr. Boyd also enclosed some forms as he refers to in his letter, to be filled out by you so that your wife can be processed. It is my suggestion that you contact the local representative of the Department at Helena, who has the files and information to help you prepare these forms, and then return them to me so that I can present them to Mr. Boyd, who you will note in his letter indicates immediate approval. Then your wife could be examined by an officer here in Seattle, and

arrange a trip to Canada to obtain an immigrant visa and immediate return.

Until this is completed, I suggest that on behalf of the children you contact your friend, Senator Mansfield, as suggested by Mr. Boyd, and ask that he include them in a private bill for congressional approval.

I assure you that I have been doing everything I can on behalf of yourself and family. With best personal regards.

Yours very truly,

SAMUEL L. CRIPPEN.

HIGGINS & PIERSON,
MISSOULA, MONT., *July 25, 1955.*

Senator MIKE MANSFIELD,
Senate Office Building, Washington, D. C.

DEAR MIKE: I believe you are somewhat familiar with the problem Kim Ming, cousin of Jack Wong of the Golden Pheasant Cafe in Missoula, has been confronted with in attempting to obtain citizenship for his wife and two children.

Today Jack Wong brought me a letter from Samuel L. Crippen of Crippen & Flynn, attorneys, Rust Building, Tacoma 2, Wash., who has been assisting Mr. Ming in the matter. A copy of Mr. Crippen's letter is enclosed.

It appears that the situation can be taken care of as far as Mrs. Ming is concerned by the procedure outlined in Mr. Crippen's letter. In the next to the last paragraph you will note what is said regarding a private bill for the benefit of the Ming children.

If you and perhaps Senator Murray with you would be willing to introduce and sponsor such a bill please advise what information by way of background you would need for that purpose. The children have been in Missoula now since February, 1950, having arrived in this country November 24, 1949. Their names are Yee Chung Fong, a girl aged 20, and Yee Chung Nom, a boy whose age is 21. They have been attending school here in Missoula since their arrival here.

Mr. Crippen failed to enclose a copy of Mr. Boyd's letter which he refers to so I am unable to send that along. However, it would appear that all administrative steps possible have been taken and the only possibility of relief remaining is through a private bill.

Your assistance in this matter will be greatly appreciated.

Sincerely yours,

DALTON PIERSON.

CRIPPEN & FLYNN,
Tacoma, Wash., September 28, 1955.

Re Kim Ming.

HIGGENS & PIERSON,
Attorneys and Counselors, Missoula, Mont.
(Attention: Mr. Pierson.)

DEAR MR. PIERSON: This will acknowledge your inquiry regarding the status of the children of Kim Ming. You will note in the copy of the letter I sent you from the district director, Mr. Boyd, as of July 7, 1955, wherein the bonds were canceled, that Mr. Boyd also answered inquiry that I had made as to the possibility of qualifying

these children under the Refugee Act. He states positively that they are not eligible under that act, the reason being that they were in this country at the time the act was passed.

I did succeed in obtaining a favorable approval from the Commissioner of Immigration on termination of parole and the granting of a petition for preexamination. This was under date of July 30, 1953. I am enclosing a copy of that letter. However, as suggested, I did confer with the American consulate in Vancouver, British Columbia, and I further conferred with various officials in the Seattle office, and with the McCarran Act becoming effective about a month prior to this order, it followed that the American consul general of Vancouver could do nothing to change the status of the children, in that they would have to apply under the regular quota regulation without preferred status, since the original decision of the Board found that they were not children of Kim Ming; and second, the act specifically provides that adopted children have no preferred status.

So that, although the wife can make arrangements to reenter the country on preferred status, and without difficulty immediately return. However, the children to await their turn on the quota would have a 3- or 4-year wait; and as a matter of fact, Canada would not accept them unless their arrangements for immediate reentry were already completed.

It seems, therefore, to me that there are only two possible courses: (1), either a private bill as suggested by the district director to me, and in turn, suggested to Kim, or (2), a possible attempt at habeas corpus proceeding through a Federal district court.

The latter course has almost insurmountable odds; whereas I am sure that the investigation involved under a private bill procedure would definitely have a favorable recommendation from the Commissioner of Immigration.

Trusting that this information will somewhat clarify the matter for you, I am,

Yours very truly,

SAMUEL L. CRIPPEN.

HIGGINS & PIERSON,
Missoula, Mont., December 9, 1955.

Re Children of Kim Ming.

Senator MIKE MANSFIELD,
Senate Office Building, Washington, D. C.

DEAR MIKE: Thank you for your letter of December 5, 195 .

The names of Mr. Ming's children, dates and places of birth are as follows: Yee Chung Fong Ming, age 20, was born January 31, 1935, at Hoi Son, Canton, China, and Yee Chung Nom Ming, age 21, was born August 24, 1933, at Hoi Son, Canton, China. They entered this country November 22, 1949, and their present address is 127 East Sussex, Missoula, Mont.

It would seem that the equities in this situation are all on the side of the Ming children and it is certainly hoped that Congress will so view the matter to the end that legislation will be enacted allowing them to remain here.

Please accept the thanks of their family, their friends, and the writer for all you have done for them.

Sincerely yours,

DALTON PIERSON.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2760), as amended, should be enacted.

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Calendar No. 2357

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2333

MRS. ALBERTA BERNARD

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2916]

The Committee on the Judiciary, to which was referred the bill (S. 2916) for the relief of Mrs. Alberta Bernard, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, change the name to "Aliberta".
2. Amend the title of the bill to read: "A bill for the relief of Mrs. Aliberta Bernard."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the wife of a United States citizen veteran of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year old native and citizen of Italy who presently resides in Naples. She married a United States citizen in 1954 who was serving in the Navy. She is ineligible for a visa because of a conviction of theft of second-hand clothing when she was very young. Her husband presently resides in Minden, Nev. Without the waiver provided for in the bill, she will be unable to enter the United States to join her citizen husband.

A letter, with attached memorandum, dated May 23, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 23, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2916) for the relief of Mrs. Alberta Bernard, there is attached a memorandum of information concerning the beneficiary. According to the records of this Service, the correct name of the beneficiary is Aliberta Bernard. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif. office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (9) of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted, admit the commission, or admit committing the essential elements of a crime involving moral turpitude and would authorize the beneficiary's admission for permanent residence if she is found to be otherwise admissible. The bill would also provide that this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. ALIBERTA BERNARD, BENEFICIARY OF S. 2916

Mrs. Alberta Bernard, nee Nicolia, whose correct name is Aliberta Bernard, a native and citizen of Italy who has never been in the United States, was born on October 16, 1926. She was married to Herbert Dean Bernard on April 8, 1954, at Villa Rica, Naples, Italy. They have no children. Mrs. Bernard now lives at Via Carrozzierie, Allaposta 13 in Naples. A high school graduate who also attended Sacred Heart College in Florence, Italy, she is not employed and is entirely dependent upon her husband for support.

Mrs. Bernard was refused an immigrant visa by the American consulate general in Naples, Italy, because of the conviction of a crime involving moral turpitude. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Herbert Dean Bernard, a United States citizen, was born on July 1, 1927, in Yerington, Nev. He is a high school graduate who now lives in Minden, Nev. He owns the Pony Express bar there, which provides him with an income of

$3,000 annually. His assets, which he values at $27,000, include stock, bar equipment, and the equity in his automobile. His parents and one brother live in the United States. Mr. Bernard served honorably in the United States Navy from September 2, 1950, to July 8, 1954.

Senator Alan Bible, the author of the bill, has submitted the following information in connection with the case:

Mr. H. D. BERNARD,
Minden, Nev.:

I am the lawyer of Mrs. Aliberta Niccolai, your wife, and I am writing you this letter, as I wish to explain you briefly for what reasons your wife has been unable so far to have the visa for the United States from the American consulate in Naples.

Mrs. Aliberta (this is all) was condemned in contumacy in 1948 by the magistrate of Desio (Province of Milan) to a very slight penalty for having taken away a few wornout clothes. Since your wife was not present when she was condemned and since she never knew personally anything about the trial, because no advice was given to her, she was unable to appeal against this sentence within the terms fixed by the law; else she would have been certainly absolved. In fact, one day, when she left in a hurry the home she was living in, she put in her valise, by mistake, and because of her great hurry, a few clothes of her landlady, mixed with her own clothes. The above landlady had previously had an argument with Mrs. Niccolai; this is why she left suddenly her home and also for this reason the landlady complained against Mrs. Niccolai before the justice court and falsely affirmed that she had suffered a damage of the amount of 90,000 lire.

If your wife had been able to defend herself before the justice court, she would have proved her innocence.

Anyway, as a matter of fact, the condemn goes back to February 19, 1948, and the affair which caused the trial happened 2 years before the sentence was given by the court. This affair happened therefore when Mrs. Niccolai was scarcely 18 years old.

Since no other accuse was ever made to her, on September 24, 1954, she could also obtain the amnesty, which is, according to the Italian penal law, is the cancellation of a transgression in favor of the person who has committed a slight fault.

Besides Mrs. Niccolai filed at the United States consulate a certificate showing that her political, civil, and moral behavior is good, this certificate can be issued only after detailed and particular informations have been gathered by the police, which investigates on the behavior, of the person who wants the certificate, not only at the present time, but back to 5 years before.

In spite of this, the American consul refused the visa to your wife, and would not consider her young age when this happened, her good behavior previous and afterward, the amnesty granted to her by the judge, so that the fault does not exist any more, and it is as if she had never been accused of anything, so that her penal record is clean.

The visa has been refused, as the consul says, because the plaintiff complained (falsely) for a damage of 90,000 lire. If the amount of the damage, the consul says, had not exceeded the amount of 20,000 lire, then he would have granted the visa.

We have therefore appealed to Ambassador Mrs. Luce in Roma, but up to this date we have not heard from her. Previously we have had to go to Desio, Pistoia, where your wife was born, and Florence, Mrs. Aliberta and I, for the papers.

I have been told that you can do something in America if you apply to State Department for Immigration, and you have the right to apply to them, since you are her husband. Especially if you can avail yourself of the help of your Congressman and other Members of the Congress, it won't be hard for you to get your wife a visa for the United States of America.

I advise you to do your best over there, while we shall still try here.

Your wife is a good wife, and as such, she is very anxious to join you.

If we, both here and there, do not fail to try with all our power, the Lord shall reward our efforts and you and your wife will soon be together.

With best wishes, I am,

Yours truly,

S/Avv. Alberto Mario Morico,
Via Nicola Rocco 97 (Travs Corso) Garibaldi,
Naples, Italy.

Minden, Nev., *February 15, 1955.*

Dear Senator Bible: I received your letter in interest to my wife's application for a visa from the United States, and was very thankful for your interest. It stated that if there was any further hitches in the process to get in touch with you again. I just hope that you will be able to help this mixed-up situation.

My wife has wrote me that she turned in the last documents she was asked for about the 8th of December and the consulate said they would call her to get her visa in 5 to 6 weeks after that. She has called there several times and hasn't received any answer as yet. From what I've read in her letters and from my own experiences over there that consulate don't put out very much information to the average person. I'd like to have you write them and try and find out what their reasons for all the delay is. I know they are swamped with their investigations over there. Their routine investigation of her supposedly began the 18th of August. I hope you are able to do this for me as I'm beginning to wonder what is going to happen.

I want to thank you again for your past interest in this case and hope that you will be able to find out a little more for me.

Sincerely,

Dean.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2916), as amended, should be enacted.

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Calendar No. 2358

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2334

RICHARD RHEN-YANG LIN AND HIS WIFE JULIA LAM LIN AND THEIR MINOR CHILD RICHARD RHEN-YANG LIN, JR.

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3012]

The Committee on the Judiciary, to which was referred the bill (S. 3012) for the relief of Richard Rhen-Yang Lin and his wife Julia Lam Lin and their minor child Richard Rhen-Yang Lin, Jr., having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On page 2, beginning on line 3, strike section 2 of the bill.
2. Amend the title of the bill to read: "A bill for the relief of Richard Rhen-Yang Lin and his wife Julia Lam Lin."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Richard Rhen-Yang Lin and his wife, Julia Lam Lin. The bill provides for appropriate quota deductions and for the payment of the required visa fees. The bill as originally introduced, with reference to section 2, directed the issuance of a visa to the child of the beneficiaries. Such action is contrary to committee policy and the bill has been amended accordingly.

STATEMENT OF FACTS

The beneficiaries of the bill are natives and citizens of China, a 31- and 29-year-old couple who entered the United States on August 27, 1952, at New York, N. Y., as students. The husband is presently teaching music at Oklahoma Baptist University. The beneficiaries are the parents of two American-born children. Another child, who

is 5 years old, is presently residing in Hong Kong with his grandparents.

A letter, with attached memorandum, dated May 7, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 7, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3012) for the relief of Richard Rhen-Yang Lin and his wife, Julia Lam Lin, and their minor child, Richard Rhen-Yang Lin, Jr., there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Dallas, Tex., office of this Service, which has custody of those files.

The bill would grant the adult aliens permanent residence in the United States upon payment of the required visa fees, and would provide for the issuance of an immigrant visa to the alien child, notwithstanding the quota limitations of the Immigration and Nationality Act, and would authorize the admission of the child for permanent residence if he is otherwise admissible under that act. It would direct that one number be deducted from the appropriate immigration quota or quotas for each of the aliens.

The beneficiaries are chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE RICHARD RHEN-YANG LIN AND HIS WIFE, JULIA LAM LIN, AND THEIR MINOR CHILD, RICHARD RHEN-YANG LIN, JR., BENEFICIARIES OF S. 3012

Richard Rhen-Yang Lin was born on May 23, 1925, in Han Yang, Hu-Pai, China; and his wife, Julia Lam Lin, was born on March 29, 1927, in Hong Kong. They were married in Hong Kong on April 12, 1950, and by this marriage they have three children. The oldest child, Richard, Jr., was born on June 7, 1951, in Hong Kong and is residing there with his grandparents and has never been in the United States. Two of the children were born in the United States and are residing with their parents in Shawnee, Okla.

Mr. Lin is teaching music in the Oklahoma Baptist University, Shawnee, Okla. and receives an annual salary of approximately $6,100. He resided in China from birth until 1948 in which year he fled to Hong Kong to avoid the Communist invasion. During his stay in Hong Kong he taught in the government schools. In August 1951, accompanied by his wife, he went to France as a student in the

National Conservatory of Music at Paris and remained there for a year. He graduated from the Southern Baptist Theological Seminary, Louisville, Ky., during June 1954. He has his mother and 1 brother in Formosa, 1 brother in Hong Kong, 3 brothers and 1 sister in China, and 1 sister in the United States. Mrs. Lin is not gainfully employed. She attended Ling-Nan University in Canton, China, for 1 year. Her parents and a brother and a sister reside in Hong Kong, and one brother resides in the United States.

Mr. and Mrs. Lin entered the United States as students on August 27, 1952, at New York, N. Y. Mr. Lin received extensions of stay as a student, the last of which expired on April 12, 1954. On December 23, 1952, the status of Mrs. Lin was changed from that of a student to that of a visitor, and her last extension of stay as a visitor expired on January 26, 1954. The application of Mr. Lin to adjust his immigration status under section 6 of the Refugee Relief Act of 1953 was denied on appeal on September 27, 1955, and a similar application by Mrs. Lin was denied on appeal on June 22, 1955, both denials being on the grounds that they could return to Hong Kong without persecution or fear of persecution.

Deportation proceedings were instituted against Mr. and Mrs. Lin on March 8, 1956, on the ground that, after admission as nonimmigrants, they remained in the United States longer than permitted. The hearings in their cases have not been held.

Senator Robert S. Kerr, the author of the bill, has submitted numerous letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON PUBLIC WORKS,
May 9, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR JIM: Attached hereto is a complete file on Richard Lin.

You will recall that there is pending before your committee S. 3012 for the relief of Richard Rhen-Yang Lin and his wife, Julia Lam Lin, and their minor child.

Jim, I do not know when there has been so much interest manifested in one immigration case in Oklahoma as in this case, which is indicated by the size of the file which is enclosed. Every time that I am in Oklahoma, people urge me to do everything that I can to secure favorable action on this bill.

The Oklahoma Baptist University are very much concerned in this case and have advised me repeatedly of their desire to keep Mr. Lin on their staff at the university.

Dr. John W. Raley, president of the university, has advised me that he would be glad to come to Washington and appear before your

committee or to visit with you personally about this case. I would appreciate your seeing him and getting a first-hand report from him.

With kindest regards, I am

Sincerely yours,

ROBERT S. KERR.

P. S.—Jim, I want to talk to you about this matter at your earliest convenience.

OKLAHOMA BAPTIST UNIVERSITY,
Shawnee, Okla., September 28, 1955.

Hon. ROBERT S. KERR,
Senate Office Building, Washington, D. C.
(Attention Mr. Don McBride.)

DEAR SENATOR KERR: I am enclosing a request and a statement which is made by one of our new faculty members, Mr. Richard Lin, regarding the problem of beinging his 4-year-old son from Hong Kong to Oklahoma and the posibility of processing applications for citizenship for himself and his wife.

I have known of the family of Mrs. Lin for about 25 years through Southern Baptist missionaries. When Dr. and Mrs. Potter went on their world tour, they were entertained in the home of Mrs. Lin's father and mother, Mr. and Mrs. Lam, as have been most of our Southern Baptist leaders in making any contact with the Orient.

Later, two of Mr. Lam's sons attended Oklahoma Baptist University and were members of the graduating class this year. One is now attending a dental college in the Philippine Islands, and the other is attending the Bowman-Gray Medical School which is an affiliate of Wake Forest College, our Baptist school at Winston-Salem, N. C.

Oklahoma Baptish University awarded an honorary degree to Mr. Lam at our commencement in May. He is the Mr. Baptist of China. He is a businessman of considerable strength and has as his avocation the responsibility of two Baptist schools.

Mr. Lin is one of the most talented and artistic musicians it has ever been my privilege to meet. He is a thoroughly dedicated Christian and is anxious to spend his life here at Oklahoma Baptist University.

You will notice in the record that his brother, Dr. Henry Lin, was president of the University of Shanghai at the time the Communists took over. This is a Baptist institution. I know Dr. Henry Lin and had the privilege of presenting him on our convention program in St. Louis at the time you spoke.

If there is any way whereby we may help reunite this family, I surely want us to do it.

In addition to requesting whatever assistance is necessary to bring the child to his father and mother, as president of the university, I should like to join Mr. and Mrs. Lin in requesting application for citizenship. I understand full well that such a request for citizenship would have to be considered outside the Chinese quota, and I am joining in making the request for the application on the basis of the need of the university, which I understand will give added weight to his application for such consideration.

It is exceedingly difficult to secure and to hold persons who are fully qualified in every respect for college teaching. Mr. and Mrs. Lin want to make this their home; we need them. He is, as I indi-

cated above, one of the most artistic musicians I have ever heard. He probably has the best trained voice of any person we've ever had on this campus, and his service could not be replaced. Mr. Lin is anxious to stay with OBU; and since he does have strong financial backing through his wife's family, a financial appeal to go to some other institution will not have much weight in his thinking.

I am exceedingly anxious that we do everything we can to reunite his family and to qualify him for citizenship and will be grateful for your guidance and your assistance.

Very truly yours,

JOHN WESLEY RALEY, *President.*

MR. RICHARD LIN'S STATEMENT OF SEPTEMBER 23, 1955

I am Richard Rhen-Yang Lin. I was born in Hupei, China, May 23, 1925, the 11th of 12 children of my father, Lin Tze-tsen, and my mother, Helen Yap Lin.

Most of my education was in Changsha, Hunan, China, and I finished high school (the Yale Middle School) during the years of the Japanese occupation. In 1945, I removed to Chungking, Szechwan Province, where I studied for 1 year at the Shanghai Conservatory. In 1946–47, I studied at the same institution, which by then was relocated in Shanghai. On the Communist invasion from the north, I removed to Hong Kong in December 1948, where I resided until August 1951.

My wife's name is Julia Lam Lin, daughter of Mr. and Mrs. Lam Chi Fung, of 7 Grampian Road, Hong Kong. She is a lifetime resident of Hong Kong and a British subject until her marriage to me on April 12, 1950. In Hong Kong I served as music master for the education department of the Hong Kong government. While we resided there, our first son, Richard, Jr., was born on June 7, 1951.

Traveling on a British affidavit, we left Hong Kong on August 22, 1951, on the French liner *La Marseillaise* and took up residence at 8 Rue Decamps for 1 year. While there, we secured from the Chinese consulate passports No. 337284 (NP/064) and No. 337285 (NP/065) dated October 13, 1951, and expired October 14, 1954. (Extensions applied for under the Refugee Relief Act of 1953; denied; passports now in the possession of the Bureau of Immigration and Naturalization either at the Detroit or the Cincinnati office.) Our United States visa classification is 4 (e) and our visa numbers are T–1505549 and T–1505550.

We arrived in the United States by the steamship *American Scientist*, of New York, and moved directly to Louisville, Ky., where I studied for 2 years in the Southern Baptist Theological Seminary. From that institution in May 1954 I received the master of sacred music degree. While pursuing my professional studies, I was employed as minister of music at the First Baptist Church of Jeffersontown, Ky. At the Kentucky Baptist Hospital, Louisville, our son, Stephen, was born on May 20, 1953.

On the completion of my seminary studies, I was called to the post of minister of music of the Lexington Avenue Baptist Church of

Danville, Ky., June 1, 1954. There we remained until August, 1, 1955, when I accepted a position as assistant professor of music in Oklahoma Baptist University, Shawnee, Okla. Our third son, Joseph, was born in Danville, at McDowell Memorial Hospital on January 18, 1955.

We are now living in an apartment on the Oklahoma Baptist University campus at 648 West University, Shawnee, Okla.

Three brothers and one sister are dead. Living are George, 19 Kent Road, Hong Kong, David, 181 Kwie Shui, Taipeh, Formosa, and Vera Chao, 1524 North Ohio Street, Arlington, Va.

With those remaining in China, there has been no communication since our departure from Hong Kong in 1951. It is not known whether all, or any, of them are alive. Their last known addresses were: Dr. Henry Lin, president, University of Shanghai; Dr. John Lin, Wawchung Medical College, Nanchang, Kiangsi Province; Benjamin Lin, Wuchang, Hupei Province, China; and Anna Show, Peking, China.

My father is dead. My mother lives with my brother, David, on Formosa.

My wife's mother and father still reside at 7 Grampian Road, Hong Kong.

I have never lived in any country occupied or governed by the Communists. Neither has my wife. There has been no political activity of any kind in the background of either family.

RICHARD LIN.

Subscribed and sworn to before me this 23d day of September 1955.

[SEAL] MARY ANN SHAW, *Notary Public.*

My commission expires January 16, 1958.

OKLAHOMA BAPTIST UNIVERSITY,
Shawnee, Okla., September 23, 1955.

To Whom It May Concern:

I hereby request such assistance as may be available to me through the United States Government, in the reuniting of my family.

Our oldest son, Richard, Jr., now 4 years old, has not been with his parents since August 22, 1951, when he was 11 weeks old. He has never seen his two younger brothers. When his father and mother left Hong Kong to go abroad for professional studies, he was left with his maternal grandparents, Mr. and Mrs. Lam Chi Fung, 7 Grampian Road, Hong Kong. These studies and artistic work have lengthened into their fifth year. We were first at the Conservatoi de Nationale de Musique, in Paris, and later at the Southern Bapist Theological Seminary, Louisville, Ky.

Mrs. Lin and I are willing to execute whatever papers may be required, or undergo the most thorough inquiry into our past record, or make any sacrifice to see our family complete in this country. (Our 2 younger sons have been born in the United States and will therefore have the option of becoming American citizens at the age of 16.)

We should particularly like to become United States citizens. In the normal expectancy of the quota system we recognize that we have very little chance of realizing this ambition. It has been suggested that we seek to become United States citizens by special act of Congress, and we earnestly beg your counsel and support in this matter.

We further request that the good offices of the United States Government be sought to secure the release of our first-born son from Hong Kong. Under the present regulations of British Government he is prevented, as the last member of our family remaining in the Crown Colony, from emigrating to the United States. (Once approved for passage, he is assured of the support of many relatives and friends in the Southern Baptist missionary colony, who will be glad to provide the boy's escort to America.)

RICHARD LIN.

CASE OF RICHARD RHEN-YANG LIN, HIS WIFE, JULIA LAM LIN, AND THEIR MINOR CHILD RICHARD RHEN-YANG LIN, JR., AS OF JANUARY 18, 1956

Richard Rhen-Yang Lin, born China May 1925. Fled to Hong Kong 1948 in front of Communist invasion. Married Julia Lam Lin, British subject residing in Hong Kong 1950. Son (Richard Rhen-Yang Lin, Jr.) born 1951. Son still residing in Hong Kong.

On British affidavit, Lin and wife moved to France 1951. While there secured from the Chinese consulate passports to the United States dated October 13, 1951, and expired October 14, 1954. Extensions applied for under the Refugee Relief Act of 1953: Denied.

Arrived United States 1952.

Received master of sacred music, Louisville, Ky., 1954. Second son born 1953.

August 1955 accepted a position as assistant professor of music at Oklahoma Baptist University, Shawnee, Okla. Third son born January 1955.

Upon request from this office, a letter from the United States Department of Justice, Immigration and Naturalization Service, San Antonio, Tex., informed:

"The record reflects that on June 22, 1955, and September 27, 1955, the applications of both subjects under section 6 of the Refugee Relief Act of 1953, as amended, were ordered denied by the northwest regional commissioner of this Service for reason that they had not established inability to return to Hong Kong, the husband's birthplace, or the wife's country of last residence, because of persecution or fear of persecution on account of race, religion, or political opinion."

Letter also requested OBU to submit required petition form I–129. If petition is approved, aliens may then apply for reexamination.

Bill is now drafted and in file for relief of Richard Rhen-Yang Lin, his wife Julia Lam Lin, and child Richard Rhen-Yang Lin, Jr., who is still in Hong Kong.

Dr. John W. Raley, president, OBU, has conducted much of the necessary correspondence relative to the matter, has approved the rough-draft bill. No reply as of this date to request for submission of necessary petition I–129 to the Texas immigration office.

If no action is taken, the family is subject to deportation proceedings March 23, 1956.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3012), as amended, should be enacted.

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Calendar No. 2359

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2335

CONSTANTINOS PETER AGORIS

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3030]

The Committee on the Judiciary, to which was referred the bill (S. 3030) for the relief of Costantinos F. Agoris, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, change the name to read: "Constantinos Peter Agoris".
2. In line 7, change the period to a comma following the word "fee" and insert the following:

> and upon compliance with such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

3. Amend the title of the bill to read:

> A bill for the relief of Constantinos Peter Agoris.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Constantinos Peter Agoris. The bill provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge.

STATEMENT OF FACTS

The beneficiary of the bill is a 24-year-old native and citizen of Greece who last entered the United States at New York, N. Y., on February 4, 1952, as a student. He attended the University of West Virginia until May 1954 at which time it was determined that he was afflicted with tuberculosis. He has been hospitalized since that time in the Hopemont Sanitarium, Hopemont, W. Va. His United States citizen uncle has stated that he will see that the beneficiary does not become a public charge. The beneficiary's aged mother and one sister reside in Greece.

A letter, with attached memorandum, dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate,
Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3030) for the relief of Costantinos F. Agoris, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Pittsburgh, Pa., office of this Service, which has custody of that file. According to the records of this Service, the correct name of the beneficiary is Constantinos Peter Agoris.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CONSTANTINOS F. AGORIS, BENEFICIARY OF S. 3030

The beneficiary, whose correct name is Constantinos Peter Agoris, is single. He was born on August 24, 1931, in Greece. His father is deceased. His mother and one sister reside in Greece. He completed elementary school in his native country. He has one uncle, Michael Lomas, a citizen of the United States, who resides in Bristol, W. Va. Mr. Lomas is a merchant and is also in the real-estate business. His assets are valued at approximately $200,000. He states that he will see that the beneficiary does not become a public charge.

The beneficiary was admitted to the United States on February 4, 1952, at New York, N. Y. as a student. He

attended the University of West Virginia at Morgantown, W. Va. until May 1954, at which time it was determined he was afflicted with tuberculosis. He has been hospitalized since that time in Hopemont Sanitarium, Hopemont, W. Va. The beneficiary has no income or assets. There is no charge for treatment at Hopemont Sanitarium.

The beneficiary failed to comply with the conditions of his student's status and is, therefore, residing in the United States in an illegal status. Deportation proceedings have not been instituted against him.

Senator Matthew M. Neely, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

HOPEMONT SANITARIUM,
Hopemont, W. Va., June 7, 1954.

To Whom It May Concern:

This is to certify that a chest film on Constantinos Agoris dated December 1951 shows no evidence of pulmonary disease. His present illness, active pulmonary tuberculosis, was therefore contracted since that date.

(Signed) A. L. STARKEY, M. D.

STATE OF WEST VIRGINIA,
County of Preston:

Personally appearing A. L. Starkey, M. D., made oath that the foregoing statement, by him subscribed, is in all respects correct and true.

Jos. F. RYKOSKEY, *Notary Public.*

Dated at Hopemont, this 7th day of June 1954.
My commission expires May 7, 1957.

WEST VIRGINIA UNIVERSITY,
COLLEGE OF ARTS AND SCIENCES,
Morgantown, W. Va., March 22, 1956.

Hon. MATTHEW NEELY,
Senator for West Virginia,
Senate of the United States,
Washington, D. C.

DEAR SENATOR NEELY: I wish to thank you heartily for your action in introducing a bill (S. 3030) for the relief of the Greek boy, Constantinos Agoris, who is at present hospitalized in the Hopemont Sanitarium. This is a very worthy case, and I deeply appreciate your active interest in the matter.

Sincerely yours,

WARREN F. MANNING,
Foreign Student Adviser.

BRISTOL, W. VA., *August 16, 1954.*

Hon. MATTHEW M. NEELY,
United States Senator,
Washington, D. C.

DEAR SENATOR NEELY: I am writing you again concerning the status of my nephew, Constantinos Agoris. You will recall that I wrote you in March and you corresponded with Mr. Argyle R. Mackey, Commissioner of the Immigration and Naturalization Service.

My nephew has now received a letter from the Immigration and Naturalization Service at Pittsburgh, advising him that he must effect his departure from the United States on or before September 10, 1954. This letter is signed by C. Garfinkel and two copies are enclosed for your information and use.

You will recall that my nephew came to the United States on a student visa and enrolled at West Virginia University at Morgantown. I acted as his sponsor.

He was in his second school year when he contracted tuberculosis and was taken by the school authorities on March 3, 1954, to the Hopemont Sanitarium at Hopemont, W. Va. He has been a patient there since that time. He is seriously ill, but according to Dr. A. L. Starkey, superintendent of the sanitarium, he is making amazing progress. I am enclosing a copy of an affidavit executed by Dr. Starkey in which he states, in effect, that the tuberculosis was contracted since arrival in the United States since his X-rays show no evidence of pulmonary disease in December 1951.

Furthermore, I will forward to you within the next day or so an affidavit by Dr. Starkey that Constantinos cannot travel, except by cot or by ambulance. How can they possibly move this boy under these circumstances? Certainly it is unfair and inhuman.

This boy is 23 years old, and was enrolled in our State university. He contracted this disease in the United States and not in Greece. He was trying, with my financial help, to secure an education for himself. He was not and is not a public charge. If he had not contracted this disease, he would still be in school. Therefore, he is being penalized for his own miseries. It's like kicking a man when he is down.

This boy's health, and possibly his life, is at stake. They would send him back to Greece where there are no facilities to properly handle his case and where the required drugs are not available. It is unfair to this boy whose only wrong was getting tuberculosis. Dr. Starkey says the boy must be moved by cot or ambulance. Who will watch over him and see that he is properly taken care of until he gets to Greece?

And when he arrives in Greece, his prospects are worse. He is unmarried, his father is dead, and his only relatives there are his mother and a married sister. His mother is poor and Constantinos wished to educate himself so that he could properly look after her. He was proceeding with this goal until this unfortunate circumstance happened over which he had no control.

It seems to me the boy should not be penalized in such a manner. Certainly the law cannot be that inhuman. Why can't he be allowed to stay at least until he is cured of this disease? In other words, I believe the boy is entitled to at least a fighting chance. I am willing to defray all the expenses of keeping him here and will enter into a bond if necessary.

Constantinos is very discouraged. He wants to continue his education. Sending him back at this time could possibly cause his death. Certainly the boy is entitled to this much consideration.

You will remember that you forwarded to me form 1–507 which is an application for status as permanent residence. We did not execute this form as we did not want to terminate the nonimmigrant status of Constantinos.

Keeping this boy here to continue his education and to cure him of this disease means very much to me.

Will you please take this matter up with both the Department of Justice and the State Department?

Hoping for an early reply, I am,

Sincerely,

MIKE LOMAS.

UNITED STATES OF AMERICA,

County of Harrison, State of West Virginia:

I, Michael Lomas, known also as Michael Kalamotousakis, having being duly sworn depose and say:

That I was born in Mesa Dedyma, Island of Chios, Greece, on the 7th day of March 1900 and now residing on Route 1, Bristol, Harrison County, W. Va.

That I am a naturalized American citizen, a certificate of naturalization was granted to me on the 2d day of January 1945 by the United States District Court for the Northern District of West Virginia at Clarksburg, W. Va., certificate No. 6409213.

That I am the owner of the following properties. 1. An apartment building known as Clarksburg Trust Building located at No. 301 West Pike Street, Clarksburg, W. Va., valued at approximately $100,000. 2. A six-room residence located at No. 555 Philippi Street, in the city of Clarksburg, W. Va., valued at approximately $10,000. 3. A 100-acre farm, located on Route 1, Bristol, Harrison County, W. Va., valued at approximately $30,000. I am also the owner of a large furniture store known as Furniture Center, located at No. 305 West Pike Street, Clarksburg, W. Va. All of the above properties are without any encumbrances, and my personal property amounts to approximately $5,000.

I manage my own farm and also assist in the management of my furniture store. I attend to the collection of all the rental from said properties, income from my farm and the furniture business.

I have cash deposits in local banks (see letters from the banks here attached), also a certified copy of my income Federal tax paid for the year 1954. My income from rentals of the above properties amounts to approximately $15,000 per year.

That my purpose of making this affidavit is the following:

My Nephew Costantinos F. Agoris, was born in Mesa Didyma, Island of Chios, in the year 1931, was admitted into the United States for a temporary period of 6 months, having arrived at the port of New York, N. Y. on steamship *Independence* on the 4th day of February 1952 as a student, temporary entry permit being T–2196132 with passport visa No. 411, passport No. 415 issued by the Greek Ministry in Athens Greece, on the 11th day of January 1952.

That after his arrival into the United States, he enrolled as a day student in Salem College, Salem, Harrison County, W. Va., and continued his studies in said college until the end of 1952, the following year, he was enrolled as a day student at the West Virginia University, Morgantown, W. Va.

On the 19th day of March 1952 he registered under the Selective Training and Service Act of 1940 or later acts, his classification number being .46–5–31–620, Class 1.

That in the month of March 1954 my said nephew become ill and the physician informed him that he had contracted the tuberculosis, he was ordered to cease to attend the university and to enter immediately a tubercular sanitarium. Said nephew did, through my effort entered the Hopemont Sanitarium, Terra Alta, W. Va., being the first one available to furnish a bed for a new patient at that time, he is there now confined.

His temporary permit has been extended by the immigration authorities from time to time and will expire on the 10th day of January 1956.

That it is my desire to have my said nephew remain in the United States for the following reasons. 1st. He is orphan by father, his mother being old and widow, alone and unable to take care of him if he returns to Greece. 2d. It would be a calamity if he is returned to his native land where he may be unable to be hospitalized and have difficulties in obtaining the necessary medicine and other facilities which are available in the United States.

For the above reasons, I wish to supplicate the United States Immigration and Naturalization authorities, to allow my said nephew to remain in the United States by changing his status from that of temporary to permanent resident.

That I am willing and able to maintain and support my said nephew, both in sickness or in health and will assume such obligations, guaranteeing that he will at not time become a burden on the United States or any State, city, village, or municipality of the United States.

I further wish to say that I am a law-abiding naturalized American citizen, that I do not belong or am I connected with any group or organization whose principles are contrary to organized government, nor does my said nephew.

MICHAEL LAMO,
Deponent.

Taken, subscribed, and sworn to before me, a notary public, in and for the county and State aforesaid, this 22d day of December 1955

[SEAL] SAM A. TIANO,
Notary Public.

My commission expires February 24, 1965.

CLARKSBURG, W. VA., *December 10, 1955.*

To Whom It May Concern:

I, John J. Petitto, residing at No. 203 Hedge Street, in the city of Clarksburg, W. Va., do hereby certify that I have known Mr. Costantinos F. Agoris since his arrival in the United States, being about the middle of February 1952, the date in which he arrived in Clarksburg, W. Va.

That since that date I had occasion to see him during the weekend when he was attending the Salem College, Salem, W. Va. until the later part of September 1952 when he enrolled as a full-time student in West Virginia University, Morgantown, W. Va. That during the time he attended said university, he frequently visited his uncle, Mr. Michael Lomas, who resides at 555 Philippi Street, this city and until he was taken ill and entered the Hopemont Sanitarium, where he is at present confined.

That during my acquaintance with Mr. Agoris, I observed and am willing to state, that he always conducted himself as a gentleman of good moral character and well disposed to the good order and happiness of the United States of America.

JOHN J. PETITTO, *General Contractor.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3030), as amended, should be enacted.

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Calendar No. 2360

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2336

MRS. ROSE AMORESANO AND HER CHILDREN

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 877]

The Committee on the Judiciary, to which was referred the bill (H. R. 877) for the relief of Mrs. Rose Amoresano and her children, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable Mrs. Rose Amoresano and her children, Rosa, Emilio, and Giovanna, to apply for nonquota immigrant visas under section 4 (a) (6) of the Refugee Relief Act of 1953, as amended. The beneficiaries would have been entitled to the status of nonquota immigrants were it not for the death of the husband and father, who had qualified for a nonquota immigrant visa under that act prior to his death.

STATEMENT OF FACTS

The beneficiaries are mother and three children and they are all natives and citizens of Italy. In 1943, the adult female beneficiary was married to Pasquale Amoresano. Mr. Amoresano was the beneficiary of an approved visa petition filed under section 4 (a) (6) of the Refugee Relief Act of 1953, as amended, by his mother, who is a United States citizen. As the accompanying spouse and children, the beneficiaries were also entitled to nonquota immigrant visas. On the day on which Mr. Amoresano and his family were leaving home to obtain their visas, Mr. Amoresano was killed by the father of the fiance of his oldest daughter, who believed that she would not return to Italy to marry his son. With the death of Mr. Amoresano, his wife and children, the beneficiaries of this bill, lost their eligibility for the special nonquota visas. Two of Mr. Amoresano's children

have been brought to the United States by their grandparents under the orphans' provision of the Refugee Relief Act, and they are anxious that the beneficiaries join them in the United States.

A letter, with attached memorandum, dated June 14, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 877) for the relief of Mrs. Rose Amoresano and her children, Rosa, Emilio, Annunziato, Carmela, and Giovanna, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Newark, N. J., office of this Service, which has custody of those files.

The bill would grant the beneficiaries nonquota status in the issuance of immigrant visas under section 4 (a) (6) of the Refugee Relief Act of 1953, notwithstanding the death of Pasquale Amoresano, the husband of Rose Amoresano and the father of the children referred to above. Mr. Pasquale Amoresano was, immediately prior to his death, the principal beneficiary of an approved petition bestowing eligibility upon him for an immigrant visa under the foregoing provisions of law.

As the records of this Service show that Annunziato Amoresano, one of the beneficiaries of the bill, was admitted to the United States for permanent residence on April 20, 1955, at New York, N. Y., the committee may wish to amend the bill by deleting his name therefrom.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROSE AMORESANO AND HER CHILDREN, BENEFICIARIES OF H. R. 877

The following information concerning this case was obtained from Mr. Emilio Amoresano, 85 14th Avenue, Newark, N. J., who is the father-in-law of Mrs. Rose Amoresano, and grandfather of her children.

The beneficiaries, Mrs. Rose Amoresano, Rosa Amoresano, Emilio Amoresano, Carmela Amoresano, and Giovanna Amoresano, have never been in the United States. They presently reside at Montecorice, Salerno, Italy. The husband and father of these beneficiaries, Pasquale Amoresano, was issued a nonquota immigrant visa under the Refugee Relief Act of 1953. However, on the eve of his intended departure for the United States he was killed.

The beneficiary, Mrs. Rose Amoresano, was born about 1921. She married Pasquale Amoresano about 1943 in Italy, from which marriage was born the beneficiaries Annunziato,

Carmela, and Giovanna on March 25, 1945, December 2, 1947, and November 16, 1951, respectively. The beneficiaries Rosa and Emilio are the offspring of a former marriage of Pasquale Amoresano and they were born on October 1, 1933, and April 6, 1938, respectively. The mother of these last two named beneficiaries is deceased. All of the beneficiaries were born in Montecorice, Salerno, Italy.

None of the beneficiaries are known to have any formal education or special skills except for Rosa Amoresano, who is a dressmaker. Their income is very meager and is supplemented by contributions from Mr. Emilio Amoresano. With the exception of Rosa Amoresano, they perform menial labor whenever such employment is available.

The beneficiary Annunziato Amoresano, was admitted to the United States for permanent residence on April 20, 1955, at New York, N. Y., as an orphan under section 5 (a) of the Refugee Relief Act of 1953. He now resides at 85 14th Avenue, Newark, N. J., with Mr. Emilio Amoresano.

Mr. Emilio Amoresano was born on October 12, 1889, at Ortodonico, Salerno, Italy. He was married on May 26, 1908. This is his only marriage. His wife is a naturalized citizen of the United States. He was admitted to the United States for permanent residence on February 12, 1909, at Newark, N. J. He was admitted to citizenship on April 7, 1932, which citizenship was subsequently canceled on the ground that such citizenship was fraudulently obtained in that he had withheld information material to the procurement thereof. Thereafter, he was made the subject of deportation proceedings. He was found deportable and granted the privilege of voluntarily departing from the United States. He so departed and on January 9, 1948, he was again lawfully admitted to the United States for permanent residence at New York, N. Y. He has not again been admitted to citizenship.

Mr. Emilio Amoresano is employed as a molder by the Bloomfield Moulding Co., Newark, N. J., and earns approximately $70 per week. In addition, he is superintendent of the apartment building in which he resides. He is furnished his living quarters for such services. His assets consist of personal property valued at approximately $1,000 and insurance policies in the amount of $1,380. He has no formal education but can read to a limited extent in his native language. At 3- or 4-month intervals he sends $50 or $100 to the beneficiaries.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for additional information in this case.

In addition, the Executive Director of the Refugee Relief Program, Department of State, submitted the following report on the case dated April 29, 1955:

DEPARTMENT OF STATE,
Washington, April 29, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I refer to your letter dated February 4, 1955, concerning H. R. 877, receipt of which was acknowledged on February 7, 1955.

The records of the consulate general, at Naples, Italy, reveal that Mrs. Rosa Amoresano and her children, Rosa, Emilio, Annunziato, Carmela, and Giovanna applied for special nonquota immigrant visas under section 4 (a) (6) of the Refugee Relief Act of 1953 as the accompanying spouse and minor children of Pasquale Amoresano who was beneficiary of a fourth preference petition executed by his mother, Mrs. Rosa Del Manto Amoresano. However, Mr. Amoresano died in June of 1954, and his wife and children consequently are no longer eligible under section 4 (a) (6) of the Refugee Relief Act.

Subsequent to Mr. Amoresano's death Annunziato and Carmela applied for special nonquota immigrant visas as orphans under section 5 (a) of the act, since they are being adopted by Mrs. Rosa Del Manto Amoresano and Emilio Amoresano of Newark, N. J. Annunziato was issued an immigrant visa under section 5 (a) by the consulate general on March 23, 1955. The case of Carmela is at present pending completion of the routine investigations, having been qualified on documents.

It appears that Mrs. Rosa Amoresano and the remainder of the children, Rosa, Emilio, and Giovanna would be properly chargeable to the nonpreference portion of the Italian quota. They have been informed concerning the procedure to follow in obtaining emigration permission from the Italian Government so that they may be registered on the nonpreference waiting list.

Sincerely,

O. H. TRANSTRUM,
Executive Director, Refugee Relief Porgram.

Congressman Hugh J. Addonizio, the author of the bill, submitted the following statement in support of the bill:

> Mr. Chairman and members of the committee, I regret it is not possible for me to appear personally before you this morning in behalf of H. R. 877 for the relief of Mrs. Rose Amoresano and three children. I feel it is a truly meritorious measure.
>
> The parents-in-law of Mrs. Amoresano live in Newark, N. J. Their deceased son, Mrs. Amoresano's husband, had applied to the American consul general at Naples for special nonquota immigrant visas under section 4 (a) (6) and 4 (b) of the Refugee Relief Act for himself, his wife, and five children. The cases were approved by the consulate. On the day on which Mr. Amoresano and his family were leaving home for Naples to obtain their visas, he was killed by the

father of the finance of his oldest daughter. She was to accompany her family to the United States, and planned to return later to Italy to marry her fiance. His father believed she would not return, and killed her father in revenge.

With the death of Mr. Amoresano, his wife and children lost their eligibility for the special nonquota visas and came within the nonpreference portion of the Italian quota. Mr. Amoresano's parents were able to bring two of the children here under the orphans' provision of the Refugee Relief Act. The other members of the family are being supported by the parents. They are faced with an indeterminate waiting period of many years before they may come here under the regular immigration procedure and be reunited with their family here. In view of the tragic circumstances surrounding their case, I feel that the family is deserving of the preference granted them in H. R. 877. I respectfully urge your sympathetic consideration of their plight and your approval of legislation to facilitate their entry.

Thank you.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 877) should be enacted.

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Calendar No. 2361

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2337

CONSIDERING RESIDENCE IN AMERICAN SAMOA OR THE TRUST TERRITORY OF THE PACIFIC ISLANDS BY CERTAIN EMPLOYEES OF THE GOVERNMENTS THEREOF, AND THEIR DEPENDENTS, AS RESIDENCE IN THE UNITED STATES FOR NATURALIZATION PURPOSES

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4031]

The Committee on the Judiciary, to which was referred the bill (H. R. 4031) to consider residence in American Samoa or the Trust Territory of the Pacific Islands by certain employees of the Governments thereof, and their dependents, as residence in the United States for naturalization purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to one person, and to consider residence and physical presence in American Samoa or Trust Territory of the Pacific Islands held to meet the requirements for residence and physical presence of title III of the Immigration and Nationality Act in the case of that 1 person and 11 other persons, named in section 2 of the bill.

STATEMENT OF FACTS

The need for this legislation is best explained in the enclosed report submitted to the Committee on the Judiciary of the House of Representatives by the Assistant Secretary of the Interior, which reads as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., March 8, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

MY DEAR MR. CELLER: Your committee has requested a report on H. R. 4031, a bill to consider residence in American Samoa or the Trust Territory of the Pacific Islands by certain employees of the governments thereof, and their dependents, as residence in the United States for naturalization purposes.

We recommend that the bill be enacted, if amended.

Several years ago the Department of the Interior recruited doctors from among the displaced persons of Europe to meet an urgent need for medical services by the governments of Guam, American Samoa, and the Trust Territory of the Pacific Islands. The need could not be filled by the recruitment of doctors who were United States citizens. These doctors, together with their families, were lawfully admitted to the United States for permanent residence, and, had they remained in the continental United States, they could have counted the time spent here toward the residence period required for naturalization purposes. Time spent in Guam, American Samoa, or the trust territory, however, could not be so counted under the then applicable law, and the doctors were so informed. Although these displaced persons were anxious to become citizens of the United States as soon as possible, they nevertheless agreed to accept employment in these outlying areas in the hope that subsequent legislation would enable them to count their period of residence in the territories in fulfillment of the residence requirements for naturalization.

The doctors, and their families, who accepted employment in Guam have been enabled to count the period of their residence there for naturalization purposes. Under the Immigration and Nationality Act, effective December 24, 1952, residence in Guam is regarded as residence in the United States for purposes of naturalization, and in addition, the Immigration and Naturalization Service has determined that persons who entered Guam subsequent to a lawful admission into the United States prior to December 24, 1952, may also count their residence in Guam before that date as residence in the United States. The present problem is therefore restricted to American Samoa and the trust territory, for the definition of the "United States" in the Immigration and Nationality Act does not include those areas. The date on which the doctors employed by the governments in those areas, together with their dependents, will become eligible for naturalization through fulfillment of the residence requirements, is being further postponed each day that they continue to remain in Samoa or the trust territory. Enactment of the bill would take account of the service these persons have performed in accepting government employment in American Samoa and the trust territory by providing that there shall be no delay, by reason of that employment alone, in the fulfillment of their residence requirements for naturalization. This appears to be equitable.

Of the 16 persons named in the bill, all but 2 were lawfully admitted into the United States for permanent residence prior to their employment in Samoa and the trust territory. Arnis Pone was born in Samoa

after his parents' lawful admission into the United States. In the event that this child subsequently seeks to establish United States citizenship by derivation, he will be required to have a lawful admission for permanent residence. Accordingly section 1 of the bill grants such lawful admission to him. He is a national of the United States, however, and it is unnecessary for him to pay a visa fee. This requirement should therefore be eliminated from section 1 of the bill.

The second person not "lawfully admitted into the United States for permanent residence," as that phrase is used in the immigration laws, is Mrs. Emma Melnikoff, who entered Guam on April 20, 1952, as Emma Bredow. This was prior to the time that Federal officers enforced the immigration laws in Guam, and it was also prior to the time that the Federal immigration laws became fully applicable to Guam. Consequently, in April 1952, Emma Bredow could not have been "lawfully admitted for permanent residence" in the technical meaning of that term. We are advised, however, that upon her entry into Guam in April of 1952 from Western Germany en route to the trust territory for the purpose of her marriage to Dr. Melnikoff, she carried a passport and a valid nonimmigrant visa. There is no record available indicating the extent of the examination of her conducted at that time by Guam authorities. We are further advised, however, that on December 19, 1952, before the effective date of the Immigration and Nationality Act, Mrs. Melnikoff reentered Guam and at that time was examined by Federal immigration officers specifically as to her admissibility under the Immigration Act of 1917 and the Passport Act of 1918, the only pertinent Federal statutes then applicable to Guam. She was found to be admissible under such laws and paid the required head tax. In the circumstances, I consider it entirely appropriate to accord to Mrs. Melnikoff the benefits provided by the bill, and accordingly section 2 of the bill provides that Mrs. Melnikoff shall be considered to have been lawfully admitted to the United States for permanent residence as of December 19, 1952, the date of her reentry into and examination by Federal authorities in Guam. Section 3 of the bill provides that the doctors and their dependents, all of whom are named, may count their residence in Samoa or the trust territory for naturalization purposes.

One of the sixteen persons named in the bill, Andre Hagentornas, was born in Guam and his parents had been lawfully admitted into the United States prior to December 24, 1952. He is therefore a native-born citizen of the United States and should be omitted from the bill.

In order to make the changes referred to in this paragraph and in the second preceding paragraph, the following amendments are recommended:

1. On page 1, line 4, delete "and Andre Hagentornas".
2. On page 1, line 7, delete ", upon payment of the required visa fee".
3. On page 2, line 13, delete "Andre Hagentornas".

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

The Commissioner of Immigration and Naturalization submitted reports to the chairman of the Committee on the Judiciary of the House of Representatives on the beneficiaries of this legislation which read as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., November 28, 1955.

A7994574

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4031) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Ilse Dvorak, one of the beneficiaries named in the bill. According to the records of this Service the correct name of this beneficiary is now Ilse Berta Susanne Michels. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of those files. Separate memoranda of information relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The bill provides that insofar as this beneficiary is concerned residence and physical presence in American Samoa or the Trust Territory of the Pacific Islands shall be regarded as residence and physical presence in the United States and a State of the United States for the purpose of fulfilling the residence and physical presence requirements prescribed by chapter 2 of title III of the Immigration and Nationality Act, provided, the beneficiary continues to maintain the status of an alien lawfully admitted for permanent residence within the meaning of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ILSE DVORAK, ONE OF THE BENEFICIARIES NAMED IN H. R. 4031

The beneficiary's name is now Ilse Berta Susanne Michels. She is a native and citizen of Germany, born on May 24, 1915, in Murenburg, Germany. Her parents riside in Germany. One sister resides in the United States. The beneficiary is a nurse. She is presently employed in such capacity at All Souls Hospital, Morristown, N. J. Her salary is $192 per month.

The beneficiary has been married on three occasions. She married Ernst Richard Dickmann in 1936 in Germany. That marriage was terminated by divorce in 1940. Her next marriage was to Dr. Joseph Dvorak, a citizen of Germany, on April 19, 1949, in Arth, Germany. The beneficiary and her husband were admitted to the United States for permanent residence on April 10, 1951, at New York, N. Y. On May 20, 1951, they left the United States for American Samoa, where Dr. Dvorak had a contract with the United States Government to serve as a physician. She resided there with her husband until his

death on March 20, 1952, in Pago Pago, Tutuila, American Samoa. The beneficiary returned to the United States on April 14, 1952. She married Dr. Ralph Leo Michels, who is a citizen of Germany and a resident alien of the United States, on October 3, 1954, at Morristown, N. J. She presently resides with him at 135 Mount Kemble Avenue, Morristown, N. J.

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., November 28, 1955.

A-7838489
A-7838490
A-7838491

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4031) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning David Lehine, Lidia Lehine, and Guy Lehine, three of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y., office of this Service, which has custody of those files. Separate memoranda of information relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The bill would provide that the beneficiaries' residence and physical presence in American Samoa shall be considered as residence and physical presence in the United States and a State of the United States for naturalization purposes.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DAVID LEHINE, LIDIA LEHINE, AND GUY LEHINE, BENEFICIARIES OF H. R. 4031

The beneficiaries, David Lehine, also known as David Ephim Lehine, and Lidia Lehine, nee Dvoupoly, also known as Lydia Lehine, and Guy Lehine, also known as Guy Daniel Lehine, are husband, wife, and son. They were born on November 11, 1911, June 10, 1924, and October 26, 1946, in Jaffa, Palestine; Alexandria, Egypt, and Cairo, Egypt, respectively. Mr. and Mrs. Lehine were married on November 18, 1945, in Alexandria, Egypt. The beneficiaries reside at 215–14 48th Avenue, Bayside, Long Island, N. Y., where Dr. Lehine maintains a medical office.

Dr. Lehine attended elementary school and high school and the Cairo Medical School in Egypt. He also attended the Medical University in Beirut, Lebanon, and the University of Bari, Italy. Dr. Lehine is employed as a medical doctor by the United Nations Health Services in New York City and earns $7,300 per year. Mrs. Lehine attended elementary school, high school, and the American University in her native country and received a bachelor of arts

degree. She attended Queens College in Queens, Long Island, N. Y., from October 1952 to January 1953. Mrs. Lehine also attended Columbia University during the summer of 1954. She was employed as a librarian by the New York Public Library in New York City and earned $246 per month. Their son Guy Lehine is now in the fourth grade at Public School 31, Bayside, Long Island, N. Y. Their combined assets consist of $200 in savings and equities of $9,500 in real estate and an automobile plus personal property estimated at $9,000. Dr. Lehine's brother is a citizen and resident of Egypt. Mrs. Lehine's father and sister are citizens and residents of South Africa. The beneficiaries entered the United States at New York City on August 20, 1950, at which time they were admitted as permanent residents. Dr. Lehine was employed as a physician by the United States Department of Interior from September 18, 1950, to July 28, 1952. In connection with this position he was stationed at American Samoa from October 1950 to July 28, 1952. His wife and child accompanied him there.

As Dr. Lehine and his family departed from the United States for Samoa within 1 year of their entry into the United States, their residence there does not meet the residential requirements for naturalization in accordance with section 316 of the Immigration and Nationality Act of 1952.

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., December 15, 1955.

A–8037387
A–8037388
A–10143130

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4031) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Janis Pone, Valentina Pone and Arnis Pone, three of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Detroit, Mich., office of this Service, which has custody of those files. Separate memorandum of information relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The bill would grant Arnis Pone the status of a permanent resident of the United States upon payment of the required visa fee. It would further provide that residence and physical presence in American Samoa or the Trust Territory of the Pacific Islands by the three named beneficiaries shall be regarded as residence and physical presence in the United States and a State of the United States for the purpose of fulfilling the residence and physical presence requirements for naturalization, provided that each beneficiary continues to maintain the status of an alien lawfully admitted for permanent residence within the meaning of the act.

Inasmuch as Arnis Pone is a national of the United States by virtue of birth in American Samoa, the beneficiary would not require a visa. Accordingly, the committee may wish to amend the bill to eliminate the requirement of payment of a visa fee with respect to Arnis Pone.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING JANIS PONE, VALENTINA PONE, AND ARNIS PONE, BENEFICIARIES OF H. R. 4031

Janis Pone was born on November 22, 1919, in Latvia; his wife, Valentina Pone, was born on September 3, 1926, in Lithuania; both now claim to be stateless. Their only child, Arnis Pone, was born on September 5, 1952, in American Samoa and is a United States national. The beneficiaries reside in Pago-Pago, American Samoa, where Janis Pone is employed by the United States Department of the Interior as chief of surgery at the American Hospital. His annual salary is $7,000 and the family has no other income or assets. Janis Pone received his doctor of medicine degree from the University of Riga in 1941. Valentina Pone is a high-school graduate and has had practical training as a nurse. The parents of Janis Pone reside in Kalamazoo, Mich., having been admitted to the United States in June 1950 as displaced persons. Valentina Pone does not know the whereabouts of her parents.

The adult beneficiaries were both admitted to the United States as displaced persons on June 14, 1951, at New Orleans, La. They remained in the United States for approximately 1 month and then went to American Samoa where they have since resided with the exception of a 3-month visit to the United States in 1954. The adult beneficiaries had both left their native countries during World War II and resided in Germany until they came to the United States.

Janis Pone has not served in the Armed Forces of the United States or any other country. He is not required to register under the Universal Military Training and Service Act.

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., November 28, 1955.

A—7826388
A—7826389
A—8126374
A—8958799

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4031) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Alexander Hagentornas, his wife, Ludmilla Hagentornas, his mother, Elfryda Hagentornas, and his son, Andre Hagentornas, four of the beneficiaries named in the bill. This memorandum has been prepared

from the Immigration and Naturalization Service files relating to the beneficiaries by the Los Angeles, Calif., office of this Service, which has custody of those files. Separate memoranda of information relating to the other beneficiaries of the bill are being prepared for transmittal to you.

The bill would grant the alien, Andre Hagentornas, the status of a permanent resident of the United States upon payment of the required visa fee. It would also provide that for the purpose of naturalization, residence and physical presence in the Trust Territory of the Pacific Islands would be regarded as residence and physical presence in the United States in the case of these beneficiaries. According to the records of this Service, the beneficiary, Andre Hagentornas, is a native-born citizen of the United States; therefore, legislation on his behalf appears to be unnecessary.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ALEXANDER HAGENTORNAS, LUDMILLA HAGENTORNAS, ELFRYDA HAGENTORNAS, AND ANDRE HAGENTORNAS, BENEFICIARIES OF H. R. 4031

The beneficiaries, Alexander Hagentornas, his wife Ludmilla Hagentornas, nee Rozenblatas, his mother Elfryda Hagentornas, nee Tillmanns, are native citizens of Lithuania who were born August 28, 1912, December 8, 1917, and November 12, 1885, respectively. Andre Hagentornas, born April 8, 1951, at Agana, Guam, the son of Alexander and Ludmilla Hagentornas, is a native citizen of the United States. The beneficiaries, Alexander, Ludmilla and Andre Hagentornas, reside at 5058 Fountain Avenue, Los Angeles, Calif. Mr. Hagentornas is an intern at Huntington Memorial Hospital, Pasadena, Calif., and earns a salary of $187 per month. His wife and son are dependent for their support upon the earnings of Mr. Hagentornas. The family owns assets which they value at approximately $4,500, and include bank deposits and furniture. Elfryda Hagentornas resides at 2910 West 40th Place, Chicago, Ill., with her married daughter, and is maintained by that daughter. Her daughter Mrs. Margot Garbatschewski, is a citizen of Germany and a lawful permanent resident of the United States.

Mr. Hagentornas was educated in Lithuania, graduating from the University of Vytautas, Kaunas, Lithuania. He and his wife, whom he married June 15, 1940, were displaced by the successive occupations of their native country during World War II, and after the cessation of hostilities, resided in displaced persons camps in Germany until June 1950. He testified that during bis residence in the displaced persons camp, Augsburg, Germany, he was solicited for employment as a doctor of medicine on Truk under the direction of the United States Department of Interior, Trust Territory, Eastern Caroline Islands. He further testified that he was employed by that agency from September 1, 1950, until June 1955. He was accompanied on his tour of employment on Truk by the beneficiaries Ludmilla and Elfryda Hagentornas. Mr. Hagentornas testified that he returned to the United States in June 1955 to complete his internship and residency in the State of California in order to enter medical practice in that State.

Mr. and Mrs. Hagentornas were admitted to the United States for permanent residence on July 22, 1950. Elfryda Hagentornas was admitted in the same status on October 11, 1951. On August 7, 1950, Mr. and Mrs. Hagentornas left the United States en route to Truk, Eastern Caroline Islands. Prior to departure, they applied for and received reentry permits valid for 1 year. Both aliens frequently returned to Guam, where their reentry permits were periodically renewed, and at the time of their return to the United States on June 14, 1955, they were admitted in the status of lawfully resident aliens who were resuming residence after a temporary absence abroad. Elfryda Hagentornas departed from the United States on November 24, 1952, en route to join her son and daughter-in-law on Truk.

Prior to departure she applied for and received a reentry permit valid for 1 year. A subsequent application for renewal of her reentry permit was denied in May 1953 for the reason that the original permit had expired. She reentered the United States on June 11, 1955, at which time she was in possession of an immigrant visa which established her status as a previously lawfully resident alien returning from a temporary residence abroad.

The aliens, Mr. and Mrs. Hagentornas, testified that they resided in the United States and Guam from July 22, 1950, until May 10, 1951. Thereafter, until their return to continental United States on June 14, 1955, they resided continuously on Truk, Eastern Caroline Islands. For the purposes of naturalization, their residence was interrupted by their departure from Guam on May 10, 1951, and under the provisions of section 316 (b) of the Immigration and Nationality Act of 1952, their residence for the purpose of naturalization resumed on the date of their reentry into the United States on June 14, 1955. They will be eligible for naturalization 5 years from that date. The same conditions apply as to the alien Elfryda Hagentornas.

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington 25, D. C., February 20, 1956.

A–7814524
A–8961284

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4031) for the relief of certain named beneficiaries, there is attached a memorandum of information concerning Eugene Melnikoff and his wife, Emma Melnikoff, two of the beneficiaries named in the bill. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficaries by the Honolulu, T. H., office of this Service, which has custody of those files.

The bill would grant Emma Melnikoff permament residence in the United States as of December 19, 1952. The bill would also provide that the residence and physical presence of the beneficiaries in American Samoa or the Trust Territory of the Pacific Islands shall be

regarded as fulfilling the residence and physical presence requirements for naturalization prescribed in the Immigration and Nationality Act, on the condition that the beneficiaries continue to maintain the status of aliens lawfully admitted for permanent residence.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EMMA AND EUGENE MELNIKOFF, BENEFICIARIES OF H. R. 4031

Information concerning the case was obtained in part from Mr. Edgar R. Crain, interested party and friend of the beneficiaries.

Mrs. Emma Melnikoff, formerly Emma Bredow, nee Emma Ruske, a native and citizen of Germany, was born on March 15, 1906. She was married to Eugene Melnikoff in Guam, Marianas Islands, on April 26, 1952. No children were born of this marriage. She has two children born of a prior marriage which she stated was terminated by divorce, although there is no evidence to substantiate this claim. One of her children resides in Germany while the whereabouts of the other is unknown. Mrs. Melnikoff is a resident of the island of Rota, Marianas Islands, Trust Territory of the Pacific. Her father is deceased and her mother lives in Germany.

Mrs. Melnikoff first arrived in the United States at Guam on April 20, 1952, and was admitted, under the name of Emma Bredow, as a visitor for pleasure. She departed for the island of Yap on April 26, 1952, the day she married Dr. Melnikoff. She returned to Guam on December 19, 1952, and although granted temporary admission for 1 year, she again departed for the island of Yap on January 9, 1953. At that time, she stated it was her intention to return to and resume residence in the United States. The Honolulu office of this Service on December 31, 1953, determined that she had the status of an alien lawfully admitted for permanent residence, effective on December 19, 1952. Mrs. Melnikoff has returned to Guam on several occasions as a visitor. It has not been determined whether she has abandoned her status as an alien lawfully admitted to the United States for permanent residence.

Eugene Melnikoff was born in Kiev, Russia, on December 29, 1899. He was naturalized in Yugoslavia in 1927, but now claims to be stateless. He was married on two prior occasions. His first marriage was terminated by divorce; the other was annulled. Evidence in Service files substantiates these court actions. He now lives with his present wife on the island of Rota, Marianas Islands, Trust Territory of the Pacific. He is employed as a physician and surgeon with the Department of the Interior at a yearly salary of $6,390. His sole assets consists of a bank account of $5,000.

Dr. Melnikoff attended school in Kiev, Russia, and is also a graduate of the University of Belgrade in Yugoslavia. He

served with the White Russian Army from 1918 to 1920. During World War II he served briefly with the Yugoslavian Army Medical Corps until captured by the Germans in 1941. Upon his release he resumed private practice until he fled from the advancing Russian Army, first to Czechoslovakia, then to Austria and finally to Germany. He was employed by the British in various refugee camps during 1945. He came to the United States through the assistance of the United States Navy Medical Office and was admitted for permanent residence at New Orleans, La., on July 6, 1950. He has since worked for the United States Navy and the Department of the Interior in the area covered by the Trust Territory of the Pacific.

Mr. Edgar R. Crain is a United States citizen who was born in Bicknell, Ind., on October 4, 1915. He has been an attorney since 1939 and is with the firm of Crain & Phelan in Agana, Guam. He has known Dr. Melnikoff since 1950 and Mrs. Melnikoff since 1952.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4031) should be enacted.

○

Calendar No. 2362

84TH CONGRESS, 2d Session | SENATE | DOCUMENT No. 2338

MARIA DEL CARMEN GAGO SANTANA

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3960]

The Committee on the Judiciary, to which was referred the bill (H. R. 3960) for the relief of Maria Del Carmen Gago Santana, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable Maria Del Carmen Gago Santana to enjoy the immigration status of one who was born in Cuba.

STATEMENT OF FACTS

The beneficiary of the bill is a 33-year-old native of Spain and citizen of Cuba, who last entered the United States on July 25, 1948, as a visitor. On August 13, 1948, she suffered an automobile accident which forced her to remain in this country indefinitely, resulting in the severance of her business ties in Cuba. The beneficiary's father, who is now deceased, was born in Spain in 1888, at which time there was no distinction between Cuban and Spanish nationality, inasmuch as Cuba was a Spanish colony. Her mother is a native and citizen of Cuba, and is a former lawful resident of the United States. Her sister is a United States citizen. While in this country, the beneficiary has been supported by her mother, and is presently studying cosmetology and beauty culture. Were it not for the fact that the beneficiary's father, although regarded by Cuban authorities as having

been a native and citizen of Cuba, was born in Spain, the beneficiary would be able to qualify for a nonquota immigrant visa as a native of an independent country of the Western Hemisphere.

A letter, with attached memorandum, dated May 27, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3960) for the relief of Maria Del Carmen Gago Santana, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary the status of a permanent resident of the United States as of the date of her last entry into the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota for the first year that such quota is available.

The beneficiary is chargeable to the quota of Spain.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA DEL CARMEN GAGO SANTANA,, BENEFICIARY OF H. R. 3960

Maria del Carmen Gago y Santana, also known as Carmina G. Santana, a native of Spain and a citizen of Cuba, was born December 6, 1921. She is unmarried and resides in Hollis, Queens, N. Y. She has not been employed in the United States. Prior to coming to the United States she was a free-lance writer for fashion and interior decorating magazines in Cuba. She claims assets consisting of $800 in cash, $1,000 in stocks and bonds, and $2,000 in jewelry and personal belongings. She is supported by her mother, Maria del Carmen Santana, a former lawful permanent resident of the United States who is now residing in Cuba. The beneficiary's only other close relative is her sister, a United States citizen, who resides in Connecticut.

Miss Santana's only entry into the United States was at the port of New York on July 25, 1948, as a temporary visitor until October 25, 1948. Her application for extension of stay was denied and she was given until November 15, 1950, to effect her departure. Upon her failure to depart, deportation proceedings were instituted against her on May 25, 1951. A warrant of deportation was issued against the

beneficiary and on appeal to the Board of Immigration Appeals the order of deportation was withdrawn and the beneficiary granted voluntary departure with deportation as an alternative. As the beneficiary failed to effect her departure on or before March 1, 1955, a warrant for her deportation was issued on March 2, 1955.

Miss Santana has also been the beneficiary of private bills H. R. 3920, 82d Congress, May 1, 1951, and H. R. 2487, 83d Congress, February 2, 1953, both of which failed of passage.

The following evidence in support of the bill was submitted to the Committee on the Judiciary of the House of Representatives:

MARIA DEL CARMEN GAGO SANTANA, H. R. 3960

This is a bill for the relief of the above-named alien.

Miss Santana came to the United States on July 25, 1948, to visit her sister, an American citizen. On August 13, she suffered an auto accident that forced her to remain in this country indefinitely. This resulted in the severance of her business ties in Cuba.

She sought to legalize her stay on the strength of the permanent residence of her mother, who had meantime been admitted to this country. This was unsuccessful because the immigration authorities decided that, since she was born in Spain, also the birthplace of her father, she was chargeable to the quota of that country, which is oversubscribed for decades to come.

This decision was adopted despite the fact that the alien's mother is a native-born Cuban; that immediately upon her birth she was registered as a native-born Cuban in the Cuban consulate at Vigo, Spain, and that both her parents are regarded by the Cuban Government as being natives of Cuba. In fact, she herself is regarded by the Cuban Government as being born in Habana, where her parents had their permanent residence. (See exhibit D.)

The alien's exclusion is based on item 4, section 202 (a), chapter I, title II of Public Law 414, which reads: "An alien born within any quota area in which neither of his parents was born and in which neither of his parents had a residence at the time of such alien's birth may be charged to the quota area of either parent."

The alien's father (now deceased) was born in Spain in 1888, while Cuba was still a Spanish colony. He was descended from a family established in Cuba since early in the 18th century. During the colonial period, and afterward, it was customary for Cubans of means to send expectant mothers to Spain because of the better medical facilities and more temperate climate of the peninsula. At the time of Mr. Gago's birth, there was no distinction between Cuban and Spanish nationality.

This distinction was drawn in the Treaty of Peace of 1898, negotiated directly between Spain and the United States. (See exhibit A.) It was confirmed in the first Cuban Constitution (1901), promulgated and guaranteed by the United States. (See exhibit B.) By the terms of these two documents, the United States recognized as native-born citizens of Cuba all persons residing in Cuba on the date of ratification, except those who specifically expressed allegiance to

Spain within a year from that date. Mr. Gago was then a minor; he then had been living continuously in Cuba since he was a few months old, and of course, he retained thereafter his status as a native-born Cuban.

The question of the true nationality of Mr. Gago is based, not on the arbitrary decision of a foreign government, but on the obligations, moral or otherwise, assumed by the United States toward persons residing in Cuba at the time of the drafting of the peace treaty and the promulgation of the first constitution. It was the United States which specified who should or should not be considered native-born Cubans. It is not, therefore, a case of the United States acknowledging the validity of the laws of other countries, but of recognizing the principles which the United States itself enunciated both in the peace treaty and in the subsequent Cuban Constitution. The peculiar status that Cuba holds with respect to the United States is universally acknowledged, even by the Immigration authorities themselves. It has become firmly established as our traditions in our international relations, and leading political figures of the past have voiced the firm conviction that Cuba holds a peculiarly intimate relation to the United States. (See exhibit C.)

This instant case is one of extreme hardship as well as of unusual discrimination. The petitioner has resided in the United States for almost 8 years and has become acclimated to the American environment. All her business and social ties in Cuba have been severed. At the same time, she has the guaranty of employment as resident purchasing agent in New York from a large Havana store provided she obtains permanent residence. Presently she is studying cosmetology and beauty culture to further train herself for this position. Her stay in the United States in no way would deprive an American citizen of employment, inasmuch as the store in question would, in the event of her exclusion, send someone else from its own organization to head the New York purchasing office. Her activities here, on the contrary, would promote the sale of American products.

Inasmuch as Cuba permits any American citizen to engage in such occupations without any requirement of restriction and in fact, there are presently tens of thousands of Americans employed in lucrative positions in that country, it would seem only fair that the same privilege be granted to the petitioner.

It is believed that although the situation in which this alien finds herself is rare, and as time passes will become even more rare, the framers of the Immigration Act would have made special provision for this unusual set of circumstances, had they been aware of the same. Since, however, no such provision has been made, it is not possible for the alien to secure relief other than by special legislation.

It is, therefore, respectfully urged that the bill H. R. 3960 for the relief of the alien, Maria del Carmen Gago Santana, be approved.

Respectfully submitted,

MARTIN RICHMOND,
Attorney for Maria del Carmen Gago Santana.

EXHIBIT A

Treaty of peace between the United States and Spain, signed in Paris, December 10, 1898

ARTICLE I

Spain relinquishes all claims of sovereignty over and title to Cuba. And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may, under international law, result from the fact of its occupation, for the protection of life and property.

ARTICLE IX

Spanish subjects, natives of the peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds, and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners * * *. In case they remain in the territory they may preserve their allegiance to the crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside. The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

EXHIBIT B

REPUBLIC OF CUBA

Constitution of Cuba, adopted under the aegis of, and sponsored and guaranteed by the United States, of June 12, 1901:

TITLE II—CUBANS

Article 5. Cubans by birth are:

1. All persons born of Cuban parents whether within or without the territory of the Republic.
2. All persons born of foreign parents within the territory of the Republic, provided that on becoming of age they apply for inscription, as Cubans, in the proper register.
3. All persons born in foreign countries of parents natives of Cuba who have forfeited their Cuban nationality, provided that on becoming of age they apply for their inscription as Cubans in register aforesaid.

EXHIBIT C

Excerpts from speeches, treaties and official pronouncements bearing upon the special and privileged position of the United States vis-a-vis the Republic of Cuba

1. On the occasion of the ratification of the reciprocity treaty with Cuba, President Theodore Roosevelt called Congress in special session on November 10, 1903, for the express purpose of having it take the needed action for putting the treaty into operation.

"I deem", said President Roosevelt, "such legislation demanded not only by our interest but by our honor * * *. When the acceptance of the Platt amendment was required from Cuba by the action of the Congress of the United States, this Government thereby definitely committed itself to the policy of treating Cuba as occupying a unique position as regards this country. It was provided that when the island became a free and independent Republic she should stand in such close relations with us as in certain respects to come within our system of international policy; and it necessarily followed that she must also to a certain degree become included within the lines of our economic policy * * *. We gave her liberty. We are knit to her by the memories of the blood and courage of our soldiers who fought for her in war; by the memory of the wisdom and integrity of our administrators who served her in peace and who started her so well on the difficult path of self-government. We must help her onward and upward; and in helping her we shall help ourselves * * *. A failure to enact such legislation would come perilously near a repudiation of the pledged faith of the Nation."

2. Excerpt from letter of Elihu Root, of March 2, 1901, to Maj. Gen. Leonard Wood:

"The Cubans should understand that the establishment of the relations indicated in these congressional resolutions will put them in a position where there will be felt in the United States a kindliness and sense of moral obligation towards them as a people for whom we have in a certain degree made ourselves responsible, and the moral force of that feeling will be immense in compelling the establishment of favorable trade relations * * *."

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3960) should be enacted.

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Calendar No. 2363

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2339

VIVENCIO FERNANDO RAYMUNDO, BIENVENIDA RAYMUNDO, AND THEIR CHILDREN LOLITA, AGNES, HENRY, AND FRED RAYMUNDO

JUNE 25 (legislative day, JUNE 22,) 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4141]

The Committee on the Judiciary, to which was referred the bill (H. R. 4141) for the relief of Vivencio Fernando Raymundo, Bienvenida Raymundo, and their children Lolita, Agnes, Henry, and Fred Raymundo, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Vivencio Fernando Raymundo, Bienvenida Raymundo, and their children Lolita, Agnes, Henry, and Fred Raymundo. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are husband, wife, and 4 children, who are 44, 37, 8, 7, 6, and 4-year-old natives and citizens of the Philippine Islands, respectively. The adult male beneficiary last entered the United States on November 5, 1950, as an exchange visitor for the purpose of further medical training and observation. The remaining beneficiaries entered the United States on October 1, 1955, as visitors. The adult male beneficiary received training and served as a resident physician and surgeon in Fort Smith, Ark., until July 1952, following which he served in a hospital in Lafayette, Ind. Since July 1, 1954, he has been engaged in private medical practice in Attica, Ind., and is associated with a clinic. The local medical society is very anxious that he be permitted to remain in this country to continue his work, as

there is only one other surgeon in that area. He states that he paid his own transportation to the United States, has paid all his expenses personally since his admission, and did not enter into any commitment to return to the Philippines upon completion of his studies. He served with the United States Army in the Philippines from March 1945 until November 1945, when he transferred to the Army of the Philippines, where he continued to serve until December 1948.

A letter, with attached memorandum, dated June 29, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 29, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4141) for the relief of Vivencio Fernando Raymundo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cincinnati, Ohio, office of this Service, which has custody of those files.

The bill would grant the beneficiary the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate quota.

The beneficiary is chargeable to the quota for the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE VIVENCIO FERNANDO RAYMUNDO, BENEFICIARY OF H. R. 4141

Vivencio Fernando Raymundo, also known as Ben Raymundo, a native and citizen of the Philippines, was born on January 12, 1912, in Laoag, Ilocos Norte. Since June 10, 1946, he has been married to Bienvenida Salvo, a native and citizen of the Philippines. His wife resides in Gasan, Philippine Islands, with their children, Lolita, age 7; Agnes, age 6; Henry, age 4; and Fred, age 3; all of whom were born in the Philippines.

The beneficiary resides at 427 East Main Street, Attica, Ind., where he is a physician and surgeon engaged in private practice. He received his doctor of medicine degree from the University of the Philippine Islands, Manila. Dr. Raymundo served with the United States Army, 7th Evacuation Hospital, 43d General Hospital in the Philippine Islands from March 1945 to November 1945, when he was transferred to the Army of the Philippine Islands. He continued to serve in the latter army until December 1948.

Dr. Raymundo engaged in the private practice of medicine in his native country from December 1948 until his entry into the United States in November 1950. He received medical training and served as resident physician and surgeon at Sparks Memorial Hospital, Fort Smith, Ark., from November 1950 until July 1952, and at St. Elizabeths Hospital, Lafayette, Ind., from July 1952 until July 1, 1954. Since July 1954 he has engaged in private practice in Attica, Ind., and is associated with the Freed Clinic in that city.

The beneficiary has estimated his income at $8,000 per year. His assets include medical and surgical equipment valued at approximately $700, a 1955 Oldsmobile valued at $3,500; and cash savings of approximately $1,500. He has no outstanding debts. He has stated that he regularly sends funds to his wife for support of herself and their children. He intends to bring his family to the United States if and when he is able to gain the status of permanent residence. The beneficiary's father and mother are natives of the Philippine Islands and presently reside there. He has a brother, Isidro Raymundo, whom he claims is a citizen of the United States and presently resides in Salinas, Calif.

The beneficiary entered the United States through the port of Honolulu, T. H., on November 5, 1950, via airplane PIC 290, at which time he was admitted as an exchange visitor for the purpose of further medical training and observation. He received extensions of stay, the last of which expired on March 5, 1955. Deportation proceedings have been instituted against the beneficiary, and a warrant of arrest was issued on March 27, 1955, on the charge that, since admission to the United States as a nonimmigrant exchange visitor, he has failed to maintain this nonimmigrant status in which he was admitted. On June 9, 1955, the special inquiry officer found the beneficiary to be deportable on the above charge, but authorized voluntary departure in lieu of deportation.

An additional report from the Commissioner of Immigration and Naturalization dated March 20, 1956, in connection with the case, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 20, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. WALTER: On March 12, 1956, your subcommittee requested verification as to whether or not Dr. Vivencio Fernando Raymundo, beneficiary of H. R. 4141, paid his own travel expenses to the United States as an exchange visitor.

The files of this Service contain no information with respect to this question and the Sparks Memorial Hospital, Fort Smith, Ark., the institution which sponsored the alien's entry to the United States under exchange visitor program No. P–355, has no record on this matter. The hospital authorities stated, however, that they did not pay for his transportation.

90008°—57 S. Rept., 84–2, vol. 8——22

We have been advised by the Department of State that their records cover only those exchange visitors who entered under G (Government) numbered programs; that the large majority of aliens entering under P (private) programs and many of those entering under G programs actually pay their own transportation expenses.

For further information concerning the effect of payment of transportation expenses for exchange aliens, it is suggested that the subcommittee communicate with the Bureau of Security and Consular Affairs, Department of State, the administrators of this program.

Sincerely,

J. M. SWING, *Commissioner.*

Mrs. Cecil M. Harden, the author of the bill, submitted the following letters and statement in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 17, 1956.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR CHAIRMAN CELLER: Reference is made to H. R. 4141, a bill for the relief of Vivencio Fernando Raymundo, presently pending in your committee.

I have been requested to amend the bill to include the wife and children of Dr. Raymundo, who have been in this country since October 1, 1955, on visitor's visas.

The names are as follows:

Bienvenida Raymundo, wife, age 37.
Lolita Raymundo, child, age 8.
Agnes Raymundo, child, age 7.
Henry Raymundo, child, age 6.
Fred Raymundo, child, age 4.

Dr. Raymundo received his license to practice medicine and surgery in February 1952 from the Indiana State Board. He is presently connected with the Freed Clinic in Attica, Ind., and states his gross income for the period January through December 1955 was $12,721.31.

If this office can supply you with any further needed information in this connection, you are assured I will be happy to cooperate.

Sincerely yours,

(Mrs.) CECIL M. HARDEN,
Member of Congress.

SPARKS MEMORIAL HOSPITAL,
Fort Smith, Ark., March 8, 1956.

Hon. CECIL M. HARDEN,
Representative, Sixth District, Indiana,
Washington, D. C.

DEAR MADAM: I am writing you in support of Dr. Vivencio Raymundo's private bill No. 4141 to enable him to stay in this country. I have known Dr. Raymundo for 6 years. He came to our hospital to continue his studies in surgery in 1950. He was with us for nearly 2 years.

During the time he was here I worked very closely with Dr. Raymundo and had an opportunity to know him very intimately. I also observed the attitude of the other doctors on the medical staff toward Dr. Raymundo personally and professionally. I can state without reservation that he occupied a very high position in all of our minds due to the fine work that he did while he was here. He is a man of high moral character. His integrity is above question. He was extremely diligent in the execution of his duties at all times. Because of his professional skill and his regard for the welfare of the patients, he won the respect of all the doctors on the medical staff.

This is a community of 56,000 people. Our medical staff has 53 doctors on it. Everyone here at the hospital who had any association with Dr. Raymundo speaks highly of him. I cannot urge you too strongly to use all powers at your command to get a favorable vote on private bill No. 4141 in Dr. Raymundo's behalf.

Very truly yours,

MARVIN ALTMAN, *Administrator.*

ATTICA, IND., *March 8, 1956.*

Mrs. CECIL M. HARDEN,
House Office Building, Washington, D. C.

DEAR MRS. HARDEN: Dr. Raymundo has talked with me concerning your letter of February 27 and in reviewing the matter with him we feel that there are some distinctions in his case as compared with the Glaser case.

1. Dr. Raymundo came to this country without a sponsor who was incurring any costs in the matter and without any obligations or commitment to return to the Philippines to serve with the country or any citizen thereof. (This is a distinction from the Glaser case in which there was apparently a commitment to render service to or beneficial to the sponsor.)

2. Dr. Raymundo served in the United States Army Medical Corps and has thereby rendered service to this country which should entitle him to more favorable consideration.

3. Dr. Raymundo states there are sufficient doctors in the Philippines, particularly in Manila, which is the capital and that facilities for a surgeon to practice are only available in Manila.

4. Dr. Raymundo is established here and because of a medical shortage in this area is needed here. There is only one other qualified surgeon (so far as I know in Fountain and Warren Counties, and the community would suffer if he were deported, and, additionally, it would be a considerable hardship on him because of monetary problems, time element, and the problems involved in locating and building a practice in the Philippines.

These points, it seems to me, will sufficiently distinguish it from the Glaser case, and I would be inclined to believe that your representation of these points to the committee would be helpful.

To supplement, however, I have prepared and I am forwarding an affidavit setting up the same matters which may be used in lieu of having Dr. Raymundo appear before the committee. He also advises me that his sponsor, an American hospital is to forward to you a letter stating that he has no commitments so far as they are con-

cerned to return to the Philippines. He also advises that he will forward to you a statement by the Fountain-Warren Medical Association that his services are needed in this community.

If you feel that this is not sufficient to justify a favorable action, will you please call so that we may do anything else that can be done to get favorable action?

Yours truly,

HOWARD W. MILLER,
Attorney at Law.

COVINGTON, IND., *March 7, 1956.*

Hon. CECIL M. HARDEN,
New House Office Building, Washington, D. C.

DEAR MRS. HARDEN: On March 1, 1956, the Fountain and Warren County Medical Society, Indiana, met at Covington, Ind. The desire of member Dr. V. F. Raymundo to obtain citizenship in the United States was discussed. Dr. Lee J. Maris and Dr. Emmett C. Pierce of Attica, Ind., testified that he was of good moral character and that his continued residence and practice of medicine in Attica was essential to the health of that community.

It was duly moved, seconded, and passed without dissent that this society go on record as requesting that citizenship be granted Dr. V. F. Raymundo.

Respectfully,

LOWELL R. STEPHENS, M. D.,
Secretary, Fountain-Warren County Medical Society.

AFFIDAVIT

STATE OF INDIANA,
Fountain County, ss:

Dr. Vivencio Fernando Raymundo, being first duly sworn, says that he entered the United States as an exchange visitor for student purposes and has received training in this country and is still receiving surgical training under preceptorship of surgical men in the Lafayette, Ind., hospitals.

Affiant further says that he came to this country and paid all of his expenses personally and with no obligation to the Philippines or to any citizen thereof in the way of a commitment to return to the Philippines upon the completion of his studies.

Affiant further says that he served in the United States Medical Corps as a commissioned officer for a period of approximately 11 months.

Affiant further says that he is trained as a surgeon and that the Philippines have ample doctors, particularly in Manila, which is the only area affording facilities for surgical work.

Affiant further says that there is only one other active surgeon in Fountain and Warren Counties, Ind., and that there is a shortage of doctors in the community and that it is his belief and the belief of the community that he is important to the community and his deportation would work a hardship on him from an expense standpoint and particularly because of the problem of locating and building a practice in the Philippines.

Affiant further says that deportation would create an undue hardship because of the problems suggested above and because of the financial problems involved from his personal and family obligations.

Further affiant saith not.

VIVENCIO F. RAYMUNDO.

Subscribed and sworn to before me this 8th day of March 1956.

[SEAL] HOWARD W. MILLER.

My commission expires March 29, 1959.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4141) should be enacted.

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Calendar No. 2364

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2340

THE KELMOOR FOX & FUR FARM, INC.

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4851]

The Committee on the Judiciary, to which was referred the bill (H. R. 4851) for the relief of the Kelmoor Fox & Fur Farm, Inc., having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Secretary of the Army to accept and consider any claim filed by the Kelmoor Fox & Fur Farm, Inc., of Medina, Ohio, for compensation for the loss of iridium platinum, hybrid, and silver foxes, and for related losses and damage, alleged to have resulted from the operation of certain aircraft of the United States Army on April 17, 1947, and to award to the said Kelmoor Fox & Fur Farm any amount of compensation payable under the act of July 3, 1943, as amended, to which it would have been entitled had its claim been filed within the time and in the manner provided by such act.

STATEMENT

The records of the Department of the Army disclose that on April 24, 1947, the commanding officer, Headquarters, Cleveland Army Air Base (4163d AAF Base Unit) (Reserve Training), Cleveland Municipal Airport, Cleveland, Ohio, received a complaint in the form of a letter from William H. Kelly in behalf of the Kelmoor Fox & Fur Farm, Inc. (also known as the Peak Fox Ranch), which stated:

> On the afternoon of April 17, 1947, two Army planes flew over our ranch. The planes, I was informed by my sons, flew about 200 feet or less, flying so low we know damage was done to our breeding foxes—this being the breeding and

whelping period of foxes. Extent of the damage done will require another couple of weeks to determine as we cannot disturb the kennels. We are obliged to take every precaution possible at this time to protect the animals from unnecessary disturbance.

Some weeks later, on or about May 28, 1947, Mr. Kelly orally advised an investigating officer that he and his son had checked the kennels and that they had assessed their damages at $15,000.

On April 7, 1948, the Kelmoor Fox & Fur Farm, Inc., filed suit against the United States, under the provision of the Federal Tort Claims Act, in the United States District Court for the Northern District of Ohio, Eastern Division, seeking damages in the amount of $14,140 for alleged damage to certain foxes as a result of activities of United States airplanes on April 17, 1947. The United States filed a motion to dismiss "for the reason that a claim was made to the Department of the Army on or about April 24, 1947, and that such claim is still pending before the Department of the Army and has never been withdrawn." A copy of this motion to dismiss was mailed to the attorney for the Kelmoor Fox & Fur Farm, Inc., on July 9, 1948. This motion was heard on September 7, 1948, at which time the United States district judge ruled:

Defendant [United States] should have supported its motion with affidavits, or other proof, of the claim which it alleges to be pending before the Army. Rule 2A (2) of the general rules of this court provides as follows:

"A. *Submission of motions.*—(2) The moving party shall serve and file with his motion a brief written statement of reasons in support of the motion and a list of citations of the authorities on which he relies. If the motion requires the consideration of facts not appearing of record, he shall also serve and file copies of all photographs or documentary evidence he intends to present in support of the motion in addition to the affidavits required or permitted by the Federal Rules of Civil Procedure."

A court action would be barred under section 931 (b) only if the claim pending before the Federal agency related to the same subject matter as the court action. *But since plaintiff* [Kelmoor Fox & Fur Farm, Inc.] *does not respond to or oppose the motion, it will be granted.*" [Emphasis added.]

The plaintiff did not ask for a rehearing and did not appeal.

The records of the Department of the Army show that the Kelmoor Fox & Fur Farm, Inc., did report an incident of Army airplanes having caused damage to the Kelmoor foxes; however, no formal claim for administrative settlement has ever been filed with the Department of the Army by the Kelmoor Fox & Fur Farm, Inc. Accordingly, the case has never been considered on its merits by the Department of the Army.

The act of July 3, 1943, as amended (57 Stat. 372; 31 U. S. C. 223b), provides that the Secretary of the Army may—

consider, ascertain, adjust, determine, settle, and pay in an amount not in excess of $1,000, where accepted by the claimant in full satisfaction and final settlement, any claim against

> the United States arising on or after May 27, 1941, when such claim is substantiated in such manner as the Secretary of the Army may by regulation prescribe, for damage to or loss or destruction of property, real or personal * * * caused by military personnel * * * of the Department of the Army or of the Army while acting within the scope of their employment, or otherwise incident to noncombat activities of the Department of the Army or of the Army.

The act further provides that "No claim shall be settled under this section unless presented in writing within 1 year after the accident or incident out of which such claim arises shall have occurred" and "The Secretary of the Army may report such claims as exceed $1,000 to Congress for its consideration."

In reporting on the instant bill, the Department of the Army advised that, in view of the circumstances, that Department is of the opinion that the claimant should be afforded an opportunity to present its claim to the Department of the Army for administrative consideration and thereby exhaust the administrative remedy authorized by Congress for cases of this nature, before seeking special legislation for its relief.

The committee is in agreement with the conclusions reached by the Department of the Army that this claimant be permitted to present its claim to the Department of the Army for administrative consideration and, in view of the fact that the statute would permit the Army to certify to the Congress any amount, if the claim is found meritorious, the committee believes that this claimant will be permitted its administrative hearing and the opportunity to present its side of the case. Accordingly, the committee recommends favorable consideration of H. R. 4851, without amendment.

Attached hereto and made a part hereof is the report of the Department of the Army, submitted in connection with the instant bill, and other evidentiary data submitted in connection with this legislation.

DEPARTMENT OF THE ARMY,
Washington, D. C., February 27, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to H. R. 4851, 84th Congress, a bill for the relief of the Kelmoor Fox & Fur Farm.

This bill provides as follows:

"That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Kelmoor Fox and Fur Farm, Incorporated, of Medina, Ohio, the sum of $14,140. The payment of such sum shall be in full settlement of all claims of the Kelmoor Fox and Fur Farm against the United States for compensation for the loss of thirty-six iridium platinum, hybrid, and silver foxes, and for related losses and damage, resulting from the activities of certain aircraft of the United States Army which circled over such farm at a very low altitude on April 17,

1947. Such claims are not cognizable under the tort claims procedures provided in title 28 of the United States Code."

The Department of the Army is opposed to the above-mentioned bill.

The records of the Department of the Army show that on April 24, 1947, the commanding officer, Headquarters, Cleveland Army Air Base (4163d AAF Base Unit) (Reserve Training), Cleveland Municipal Airport, Cleveland, Ohio, received a complaint in the form of a letter from William H. Kelly in behalf of the Kelmoor Fox & Fur Farm, Inc. (also known as the Peak Fox Ranch), which stated:

"On the afternoon of April 17, 1947, two Army planes flew over our ranch. The planes, I was informed by my sons, flew about 200 feet or less, flying so low we know damage was done to our breeding foxes—this being the breeding and whelping period of foxes. Extent of the damage done will require another couple of weeks to determine as we cannot disturb the kennels. We are obliged to take every precaution possible at this time to protect the animals from unnecessary disturbance."

Some weeks later, on or about May 28, 1947, Mr. Kelly orally advised an investigating officer that he and his son had checked the kennels and that they had assessed their damages at $15,000.

On April 7, 1948, the Kelmoor Fox & Fur Farm, Inc., filed suit against the United States, under the provision of the Federal Tort Claims Act, in the United States District Court for the Northern District of Ohio, Eastern Division, seeking damages in the amount of $14,140 for alleged damage to certain foxes as a result of activities of United States airplanes on April 17, 1947. The United States filed a motion to dismiss "for the reason that a claim was made to the Department of the Army on or about April 24, 1947, and that such claim is still pending before the Department of the Army and has never been withdrawn." A copy of this motion to dismiss was mailed to the attorney for the Kelmoor Fox & Fur Farm, Inc., on July 9, 1948. This motion was heard on September 7, 1948, at which time the United States district judge ruled:

"Defendant [United States] should have supported its motion with affidavits, or other proof, of the claim which it alleges to be pending before the Army. Rule 2A (2) of the general rules of this court provides as follows:

" 'A. *Submission of motions.*—(2) The moving party shall serve and file with his motion a brief written statement of reasons in support of the motion and a list of citations of the authorities on which he relies. If the motion requires the consideration of facts not appearing of record, he shall also serve and file copies of all photographs or documentary evidence he intends to present in support of the motion in addition to the affidavits required or permitted by the Federal Rules of Civil Procedure.'

"A court action would be barred under section 931 (b) only if the claim pending before the Federal agency related to the same subject matter as the court action. *But since plaintiff* [Kelmoor Fox & Fur Farm, Inc.] *does not respond to or oppose the motion, it will be granted.*" [Emphasis added.]

The plaintiff did not ask for a rehearing and did not appeal.

The records of the Department of the Army show that the Kelmoor Fox & Fur Farm, Inc., did report an incident of Army airplanes having caused damage to the Kelmoor foxes; however, no formal claim for administrative settlement has ever been filed with the Department of the Army by the Kelmoor Fox & Fur Farm, Inc. Accordingly, the case has never been considered on its merits by the Department of the Army.

The act of July 3, 1943, as amended (57 Stat. 372; 31 U. S. C. 223b), provides that the Secretary of the Army may "consider, ascertain, adjust, determine, settle and pay in an amount not in excess of $1,000, where accepted by the claimant in full satisfaction and final settlement, any claim against the United States arising on or after May 27, 1941, when such claim is substantiated in such manner as the Secretary of the Army may by regulation prescribe, for damage to or loss or destruction of property, real or personal * * * caused by military personnel * * * of the Department of the Army or of the Army while acting within the scope of their employment, or otherwise incident to noncombat activities of the Department of the Army or of the Army." The act further provides that "No claim shall be settled under this section unless presented in writing within 1 year after the accident or incident out of which such claim arises shall have occurred" and "The Secretary of the Army may report such claims as exceed $1,000 to Congress for its consideration."

In view of the circumstances of this case the Department of the Army is of the opinion that the Kelmoor Fox & Fir Farm, Inc., should be afforded the opportunity to present its claim to the Department of the Army for administrative consideration and thereby exhaust the administrative remedy authorized by Congress, for cases of this nature, before seeking special legislation for its relief. Accordingly, it is recommended that the application of the time-limitation provision of the act of July 3, 1943, supra, be waived for 1 year, as to the claim of the Kelmoor Fox & Fur Farm, Inc., resulting from the operation of United States Army aircraft on April 17, 1947. There follows a proposed draft of a bill designed to accomplish that purpose:

"A BILL For the relief of the Kelmoor Fox and Fur Farm, Incorporated

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, notwithstanding any statute of limitations or lapse of time, the Secretary of the Army is authorized and directed (1) to accept and consider any claim filed under the Act of July 3, 1943, as amended (57 Stat. 372; 31 U. S. C. 223b), within one year after the date of enactment of this Act, by the Kelmoor Fox and Fur Farm, Incorporated, of Medina, Ohio, for compensation for the loss of iridium platinum, hybrid, and silver foxes, and for related losses and damage, alleged to have resulted from the operation of certain aircraft of the United States Army on April 17, 1947, and (2) to award to the said Kelmoor Fox and Fur Farm, Incorporated, any amount of compensation payable under such Act to which it would have been entitled, had such claim been filed within the time and in the manner provided by such Act."

The cost of this bill, if enacted in its present form, would be $14,140.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

AN OUTLINE OF OUR CLAIM WITH THE UNITED STATES ARMY AND HOW IT HAS PROGRESSED TO DATE

DESCRIPTION

1. A description of the two Army planes zooming over our fox ranch. This letter to the commanding officer, 4163d Base Unit (Reserve Training), Cleveland Municipal Airport, Cleveland, Ohio, confirmed my conversation with Captain McMurray at the airbase on the morning of April 18, 1947.

I also called the airbase shortly after the zooming took place. It was very difficult to get the call through because of the telephone strike in our area at the time.

Also included is a copy of a letter written by John R. Kelly on April 25, 1947.

Statements by two neighbors who also saw the low-flying planes.

STATEMENT ON ACTION TAKEN BY US

Talking with officers at the 4163d Base Unit we advised them of our loss.

Then the question arose as to where we should file claim.

Our cause has been somewhat of a merry-go-round ever since.

After getting no place with the Army, we followed their advice by filing suit with the United States district court. Taking the claim to court was very hard for us for capital after the loss was very limited.

I would like to give a background of our ranch operation to this time.

Before World War II, we had many more foxes. During the war my sister served with the Red Cross in England, my brother, Jack, served with the Army in Europe, and I served with the United States Air Force. During this period mother and dad struggled to keep the homefront going and hold a limited herd of foxes so we could again continue after the war. We were again building our herd when this zooming took place.

COPY OF MOTION TO DISMISS CLAIM

1. We were stunned when the court action came to dismiss the case because there was a claim pending with the Department of the Army and was still pending there, after they advised us we would have to file claim in the United States court. We at this time could not spend the money to try to keep it in court.

Again we felt it was just being pushed around.

2. My father, Mr. W. H. Kelly, Sr., had worked along on the case to this point. The strain was so great that his health was endangered.

Every time the matter was brought up he was very greatly depressed. We felt during that period of time the claim could never balance Dad's health. Then I made a solemn vow to myself that if the time came when I could follow the claim through I would do my best to get our just due.

My father's health is better now, but the scars from the loss of our business are still very deep.

OUR CLAIM

In asking this claim—as breeders our iridium platinum foxes were valued at $1,000 and $110 as pelts.

The hybrid and silver foxes at $200 as breeders and $20 as pelts.

Once a female fox destroys her young she is never a good mother after that. We found in the following breeding season that our loss was much greater than at the time we made the claim. The females were so nervous at whelping time they could not raise their fox pups.

We feel this claim is a very minimum claim for our great loss, and we feel the United States Army owes us this loss.

AD FROM THE NEW YORK HERALD TRIBUNE

This ad appeared April 13, 1947—just 4 days before the planes zoomed our ranch My father had worked hard and long to establish a clientele of this type. His long planned dream was coming true until April 17 when the production on our ranch was ruined.

I am enclosing a brochure compiled by my father, W. H. Kelly, Sr., giving the history of our iridium platinum fox.

Enclosed is clipping of a settlement made June 3, 1952, for a similar loss.

WILLIAM H. KELLY, Jr.

KELMOOR FOX & FUR FARM, INC., CLAIM AGAINST UNITED STATES ARMY

The Kelmoor Fox & Fur Farm, an Ohio corporation, engaged in the production and breeding iridium, hybrid, and silver foxes, is located near Medina, Ohio, on R. F. D. No. 4.

For many years, through interbreeding we had worked to develop an iridium platinum fox. Said iridium platinum fox was developed, and we had built up an exclusive clientele in New York City.

On April 17, 1947, at about the hour of 5:30 p. m., six United States Army planes left the airfield in Akron, Ohio, to fly to the municipal airport in Cleveland, Ohio. Two of said planes left the squadron and circled over our fox ranch at the low altitude of under 200 feet. Kelmoor Fox & Fur Farm had at the time 73 breeding female foxes and the low-flying planes caused the foxes to be thrown into utter confusion, causing many of the mother foxes to eat or kill their young. The losses suffered were as follows:

Progeny of 9 pairs of iridium platinum foxes, or 27
Progeny of 2 pair of hybrid foxes, or 6
Progency of 1 pair of silver foxes, or 3

The Kelmoor Fox & Fur Farm also lost business due to not being able to fill orders; lost through not being able to increase its breeders for the season of 1948; females after they once kill their young do not prove to be good mothers thereafter.

These iridium platinum foxes are the result of selective breeding over a period of years and are registered under trademark No. 360980, United States Patent Office, under date of March 8, 1938.

Monetary losses because of the tortuous conduct of said United State Army plane pilots were as follows:

Loss of 27 iridium platinum foxes:	
5 for breeders, at $1,000 each	$5,000
22 at $110 each (pelts)	2,420
Loss of 6 hybrid foxes:	
2 for breeders, at $200 each	400
4, at $20 each (pelts)	80
Loss of 3 silver foxes:	
1 breeder, at $200	200
2 pelts, at $20 each	40
Total	8,140
The following losses were also sustained:	
(a) Loss of business due to not being able to fill orders.	
(b) Loss through not being able to increase our herd of breeders for season of 1948.	
(c) Females after they once kill their young are a gamble as they do not prove to be good mothers.	
(d) Family hardships—financial problems with the loss from 72 less foxes to help meet the expenses of 1948.	
A reasonable value of these losses is	6,000
Total loss	14,140

KELMOOR FOX & FUR FARM, INC.,
R. F. D. 4, Medina, Ohio, April 24, 1947.

COMMANDING OFFICER,
4163d Base Unit (Reserve Training),
Cleveland Municipal Airport, Cleveland, Ohio.

DEAR SIR: This is to confirm my conversation with Captain McMurray regarding the damage caused on our ranch by Army planes late Thursday afternoon, April 17, 1947.

There were six planes flying west out of Akron, and it looked as if they were flying over State Route No. 18. When they were south of the ranch two planes broke from the rest and flew over our ranch, and as they banked and returned they zoomed down to a very low altitude directly over the center of our ranch. As they flew over my head I was able to see the star and bar, the insignia of an Army plane. They were low-winged, single-engine, two-seated Army planes with enclosed cockpits. I read the number on the wing of the lead plane as TA–89. I feel this number is not complete but I could not distinguish the other digit.

I estimate that they were flying under 200 feet and the noise was very great. After they flew over I immediately went to our tower where I could check the ranch from a high point and found that the whole ranch was in a turmoil. This is whelping season—a very critical period on the ranch.

The above incident caused considerable damage on our ranch.

Very truly yours,

WILLIAM H. KELLY, Jr.,
Ranch Superintendent.

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Calendar No. 2365

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2341

MRS. MARGARET DOWS THYBERG

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 5041]

The Committee on the Judiciary, to which was referred the bill (H. R. 5041) for the relief of Mrs. Margaret Dows Thyberg, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable a former native-born citizen of the United States to regain her United States citizenship which was lost by voting in a foreign election on September 20, 1942.

STATEMENT OF FACTS

The beneficiary of the bill is a 50-year-old native of the United States, who acquired Swedish nationality through marriage on October 3, 1925, to a native and citizen of Sweden. The beneficiary's husband is a career diplomat, who is now the Swedish Minister to Portugal. Since their marriage, the beneficiary has resided abroad in the various countries to which her husband has been assigned. Their 3 children are Swedish nationals. The beneficiary expatriated herself by voting in a Swedish national political election on September 20, 1942. She states that she voted at the request of her husband, and that they did not know that such an act would result in her loss of United States citizenship. The beneficiary was admitted to the United States as a quota immigrant on October 6, 1953, and since then has made numerous reentries. It is stated that the beneficiary has so conducted hereself as to reflect pride in her American origin and citizenship and has contributed to the prestige of the United States.

A letter, with attached memorandum, dated July 19, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 19, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5041) for the relief of Mrs. Margaret Dows Thyberg, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would permit the beneficiary, who lost her United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, to be naturalized by taking, prior to 1 year after its effective date, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oath prescribed by section 337 of the said act. It would further provide that from and after naturalization, the said Mrs. Margaret Dows Thyberg shall have the same citizenship status as that which existed immediately prior to its loss.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. MARGARET DOWS THYBERG, BENEFICIARY OF H. R. 5041

The beneficiary, Margaret Thyberg, nee Dows, was born in New York City on April 15, 1906. She acquired Swedish nationality through marriage on October 3, 1925, to Knut Richard Thyberg, a Swedish career diplomat who is now the Swedish Minister to Portugal. Since her marriage she has resided abroad with her husband in the various countries to which he has been assigned. They have three children who are Swedish nationals. Mrs. Thyberg resides at her family estate at Rhinebeck, N. Y., when she is in the United States.

The beneficiary attended private schools in New York, N. Y., for 14 years. She has an income of over $25,000 a year from several trust funds. Her family has been established in the United States since the 17th century, being among the early settlers in Dutchess County, N. Y., where they own a large estate.

Mrs. Thyberg states that she expatriated herself by voting in a Swedish national political election on September 20,

1942. She states that she voted at the request of her husband and that they did not know that such an act would result in her loss of American citizenship.

The beneficiary was admitted to the United States as a quota immigrant on October 6, 1953, at New York, N. Y. Since then she has made numerous reentries. She was last admitted to the United States on June 6, 1955, as a returning resident.

In addition, the Director of the Passport Office, Department of State, submitted the following report on the case dated May 7, 1956, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, May 7, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: I refer to my letter of May 16, 1955, concerning H. R. 5041, for the relief of Mrs. Margaret Dows Thyberg.

There have been submitted to the Passport Office recently an affidavit by Mrs. Thyberg and letters from several American diplomatic officers and former officers who have served at Copenhagen and at various other capitals of foreign countries during the times that Mrs. Thyberg was residing in those capitals with her husband, a Swedish diplomatic officer. These letters supply information not previously contained in Mrs. Thyberg's passport file concerning the numerous ways in which she has shown her attachment to the United States throughout the period of 30 years that she has been the wife of a Swedish diplomat. It is clear that Mrs. Thyberg has so conducted herself as to reflect pride in her American origin and citizenship and to contribute to the prestige of the United States. She has associated herself with Americans and interested herself in local American organizations and activities. These officers unanimously state that she has at all times been a credit to the United States, has been unswerving in her loyalty to this country, and has exemplified the best that is in America.

In her affidavit, Mrs. Thyberg mentions her long and distinguished American lineage and her close family ties in this country, describes her American contacts and activities, and, with evident sincerity, asserts her devotion and loyalty to the United States. She explains that she voted in the Swedish election of 1942 upon the urging of her husband and that neither she nor her husband were aware that, by so doing, she could lose her American citizenship.

In view of the information which is now available to this Office, we are now of the opinion that Mrs. Thyberg is entitled to recover her American citizenship in the manner provided for in H. R. 5041 and we have no objection to the enactment of this bill into law.

Sincerely,

FRANCES G. KNIGHT,
Director, Passport Office.

Congressman Frederic R. Coudert, Jr., the author of the bill, submitted the following statement from the beneficiary of the bill:

REPUBLIC OF PORTUGAL,
Province of Extremadura, City of Lisbon,
Embassy of the United States of America, ss:

Margaret Dows Thyberg, being duly sworn, deposes and says:

I am deeply disturbed by the loss of my American citizenship. It has always been for me a privilege that no stress or circumstance could have led me consciously to compromise or jeopardize. Contrite for any acts on my part that may have left any other impression, I trust that this affidavit, together with a sampling of letters from American diplomats who knew me during their foreign services, will dispel any doubt concerning my constant comportment as a loyal and devoted American citizen.

My family roots are in America, going back directly to the 17th century. My direct ancestors, the Beekmans, Livingstons, Montgomerys, and Tillotsons, were among the founders of the Republic. Our family place at Rhinebeck, N. Y., has never been sold but has descended to us from the original land grant. My mother (father being deceased), sister, and brother are lifelong residents of the State of New York. I was schooled and raised in the United States. The late President, Franklin Delano Roosevelt, was a neighbor and friend of my family and of mine; his widow and many other prominent Americans remain my close friends. I have always been proud of my heritage.

In the 30 years of my marriage to a member of the Swedish Foreign Service, the basic fact of my Americanism has been respected by my husband, as well as everyone else. I have always spoken English (really American) with my children and, without intending any invidious comparison, I daresay that they know, and were required by me to learn, more American history than many of my own schoolmates at home in the States absorbed.

My own interests have remained steadfastly American, not only by frequent communication with my friends and family who reside in the United States, by continued reading of and about matters American, by visits home from time to time, but also by deliberate choice of associations abroad. Significantly, during the periods when I lived in Sweden itself (from December 1925 to March 1927 and from March 1941 to June 1945), I sought out my American compatriots. I belonged to the American Women's Club in Stockholm and took part as an American in their various meetings and gatherings. In the first period mentioned, the then American Minister and his wife, Mr. and Mrs. Robert W. Bliss, were not only my best friends but like parents to me and their house was almost my second home. I was always introduced at parties as the American wife of a Swedish diplomat and was claimed and shown off as one of their countrymen.

During the second period of my stay in Sweden, the then United States Minister, Mr. Herschel V. Johnson, was a close friend and I constantly saw and was on the most cordial terms with practically the entire American Legation staff. Numerous official American representatives in Stockholm not only knew that I was an American, but always treated me as one of them. I felt deeply grateful to them for this attitude and was acutely aware of the privilege of belonging to the big American family. In this connection, I should like to point out that I was not on the same terms of intimacy with any other legation in Stockholm. I did, and still do, feel like an American and have always kept in close contact with my compatriots.

My official duties as the wife of a Swedish diplomat have been purely social. I have continuously held myself out as an American. My travels between five continents and my life in a dozen different countries where my husband was stationed have given me the opportunity of stimulating interest and regard for our United States among many peoples.

Considering my lack of interest in Swedish politics, including elections, it is an ironic fate that my expatriation is founded on my having voted on September 20, 1942, in the elections to the city council of Stockholm. I frankly had no recollection of this event but on the occasion of my visit to the American consular officer in Stockholm in 1953, some question came up about my possibly having voted in Swedish elections. In view of the fact that I could not remember the United States consulate suggested an investigation of the official voting records, which showed that I had voted on September 20, 1942. To conduct this investigation, I had to give my consent and pay a fee—which, of course, I willingly did. I asked my husband about this occasion, and he honestly stated that it was he who had insisted upon me voting in 1942, because of his interest in the results of that election. I signed an affidavit to this effect before the American consul in Stockholm on September 2, 1953, the original of which must be in the files of the Passport Office. I would certainly never have voted had he not so insisted. I am so utterly uninterested in Swedish politics that I would not even know where to go, what to do, or whom to vote for. This is God's own truth, and all my family and friends, and everyone who knows me will attest to this. Neither my husband nor I knew that by so voting I was in any way jeopardizing my American citizenship, or doing anything that could even reflect upon my loyalty to the United States. In view of my husband's continued respect through the years for my American citizenship, his imposure upon me in this instance stemmed from complete ignorance of the laws of the United States relevant to expatriation. As for me, it is unthinkable that, having always jealously preserved my citizenship and articulately projected my Americanism, I should discard it in this manner.

In 1940, I obtained a new American passport which then had a 6-month expiration date. Conditions in Sweden and in Europe generally were confused at that time. I had three children to look after and was obliged to leave Sweden on short notice to join my husband in Turkey. I had no idea that, following my husband and then traveling by necessity on a Swedish diplomatic passport, there was any incompatibility with the letter or spirit of the nationality laws of the United States. In fact, I returned to the States in February 1946 from Athens where we were posted, and was then allowed as an American to travel on a ship chartered by the United States Government. The American Embassy in Athens at the time made no mention of the necessity or advisability of using an American passport instead of the Swedish diplomatic passport. Notwithstanding the latter passport, I was known as an American. Had there ever been any intimation of the desirability, from the viewpoint of the United States Government, that I travel only on an American passport, I should certainly have sought to renew my passport after its expiration in 1940.

I have intended at all times to remain a United States citizen. My whole life's interest and activity as a devoted and loyal American, I hope will obliterate the act of voting in a foreign election, which

did not represent a free and intelligent choice on my part, but was at the direction and dictation of my husband without the slightest knowledge of its consequences.

I, therefore, earnestly request that favorable consideration be given my petition for restoration of my citizenship.

MARGARET DOWS THYBERG.

Subscribed and sworn to before me, Charles Gilbert, consul of the United States of America in and for the consular district of Lisbon, Portugal, duly commissioned and qualified, this 25th day of April 1956.

[SEAL] CHARLES GILBERT,
Consul of the United States of America.

Service No. 804.
Tariff item No. 24.
Fee paid: US$2.00.
Local currency equivalent: Esc60.00.

In addition, the following letter in support of the bill was submitted to the Committee on the Judiciary of the House of Representatives:

EMBASSY OF THE UNITED STATES OF AMERICA,
Rio de Janeiro, April 13, 1956.

Hon. EMANUEL CELLER,
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: I understand that Mrs. Margaret Dows Thyberg is making application for a private bill to be introduced into Congress which would establish her American citizenship.

I take great pleasure in commending most highly Mrs. Thyberg for the restoration of her citizenship. I have known Mrs. Thyberg for a number of years, and her mother and her whole family have been great friends of Mrs. Dunn and myself for about 30 years. They are all of them most loyal and dependable citizens of the United States. I have had occasion to see Mrs. Thyberg during the course of my diplomatic career abroad, as well as in the United States, and I can assure you that she has at all times conducted herself in a manner which indicated her pride in America's wonderful democracy, and she has displayed a keen and patriotic interest in all of our cultural achievements, as well as progress in our economic and social spheres. I should say that Mrs. Thyberg has been a credit to the United States in all of those posts in which she has served as the wife of a member of Swedish diplomatic service. She has performed well her diplomatic duties, but has never lost sight of the fact that she was proud to be an American.

I feel sure that you will make no mistake in approving the bill to clarify Mrs. Thyberg's status if it should come before your committee. If this bill comes for consideration before any other committee I would be very grateful if you would be good enough to transmit this letter to whatever committee may have it under consideration.

With the very best and most cordial regards from Mrs. Dunn, my granddaughter Anne, and myself, to you and Mrs. Celler.

Very sincerely yours,

JAMES CLEMENT DUNN.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 5041) should be enacted.

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Calendar No. 2366

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2342

DR. WOLODYMYR FEDYNIAK AND OTHERS

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 5635]

The Committee on the Judiciary, to which was referred the bill (H. R. 5635) for the relief of Dr. Wolodymyr Fedyniak and others, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to relieve certain payees and disbursing and certifying officers, with respect to payments made in contravention of appropriation restrictions on the employment of noncitizens of the United States.

STATEMENT

This proposed legislation was submitted to the Speaker of the House of Representatives under date of April 11, 1955, by the Department of Agriculture.

Prior to November 1, 1951, the Department of Agriculture had employed as veterinary poultry inspectors, 6 nationals of Poland and 1 of Lithuania, the subjects of this proposed legislation, who had been admitted to the United States under the Displaced Persons Act. Prior to November 1, 1951, the prohibition contained in the various appropriation acts with respect to the employment of aliens had an exception for nationals of countries allied with the United States in the prosecution of the war. As of November 1, 1951, the wording of the exception above referred to was changed to read:

*** * * national of countries allied with the United States in the current defense effort.**

This change was made in section 1302 of the Supplemental Appropriation Act of 1952, Public Law 253, 82d Congress (65 Stat. 736, 755). That section further provided that any compensation paid to employees contrary to its provisions "shall be recoverable in action by the Federal Government."

As a result of the change in law, the employment of the seven inspectors beyond October 31, 1951, was improper. However, through oversight the employing Department agency permitted the employees to work for periods of 2 to 3 months after that date before they were separated. The amount involved in paid or earned compensation totals approximately $9,500. The men themselves were in no way at fault in having continued in employment contrary to the changed provision of law. Each of them rendered the service after October 31, 1951, in good faith and with no idea that any question would be raised as to the validity of salary payments due them for such services.

Inasmuch as the payments by the Agriculture Department to the seven inspectors were made in good faith and received by them as salaries for services rendered in good faith, the committee believes it would be inequitable to cause repayment now of such improper compensation and would result in a distict hardship upon the employees concerned. This is true particularly in view of the fact that the services performed over the stated period, without this proposed legislation, would be without compensation and in view of the further fact that their employment at that time was of especial value to the Department because of an acute shortage of citizen veterinarians. Therefore, the committee recommends that the bill, H. R. 5635, be considered favorably.

Attached hereto and made a part hereof is a letter from the Department of Agriculture to the Speaker of the House of Representatives dated April 11, 1955, in which enactment of this legislation is recommended.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 11, 1955.

The SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a draft of a proposed bill which has for its purpose the relief of certain payees and disbursing and certifying officers, with respect to payments made in contravention of appropriation restrictions on the employment of noncitizens of the United States.

Prior to November 1, 1951, the prohibition contained in the various appropriation acts with respect to the employment of aliens had an exception for nationals of countries allied with the United States in the prosecution of the war. Under that exception, an agency of this Department had employed as veterinary poultry inspectors 6 nationals of Poland and 1 of Lithuania, both of which countries had been allied with the United States in the prosecution of the war. These seven men had all been admitted to the United States under the Displaced Persons Act. Their employment as veterinarians was of special value to the Department because there was an acute shortage of citizen veterinarians willing to accept the inspector positions at less remuneration than they might expect to receive in private practice.

As of November 1, 1951, the wording of the exception cited above was changed to read, "* * * nationals of countries allied with the United States in the current defense effort." The change was made in section 1302 of the Supplemental Appropriation Act of 1952, Public Law 253, 82d Congress, 65 Stat. 736, 755. That section, in addition to providing the restrictions on employment of noncitizens and certain exceptions to those restrictions provided that any compen-

sation paid to employees contrary to its provisions "shall be recoverable in action by the Federal Government."

As a result of the change in law, the employment of the seven inspectors beyond October 31, 1951, was improper. However, through oversight the employing Department agency permitted the employees to work for periods of 2 to 3 months after that date before they were separated. The amount involved in paid or earned compensation totals approximately $9,500. The men themselves were in no way at fault in having continued in employment contrary to the changed provision of law. Each of them rendered the service after October 31, 1951, in good faith and with no idea that any question would be raised as to the validity of salary payments due them for such services.

Section 1302, Public Law 253, 82d Congress, also contained an exemption with respect to "a person in the service of the United States on the date of enactment of this act, who being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date." In several of the cases, the employees had filed an application for the necessary forms to use in declaring their intention to become citizens. However, for varying reasons, it was not possible for them to file the actual declaration of intent prior to November 1, 1951. In some instances, due to constant travel, the necessary form was not received by the employee in time to be filed; in others, the employees did not receive the declaration of intent form from the Immigration Office until after November 1, 1951. The Comptroller General has ruled that the mere filing of application for the declaration of intent form is not sufficient.

The salaries of 5 of the men were paid in full, but in 2 of those 5 cases reimbursement of certain travel expenses due the employee was withheld as a partial offset against the improper salary payments. Two employees received only part of their salaries for the period. In these two cases, final salary payments, lump-sum leave payments, and travel expense reimbursement were withheld. The withholding of payments due has worked a distinct hardship on four of the employees. Also any attempt to recover salary payments which were made would be a severe blow to all seven of the men.

The Government has received full value for services rendered by the seven men under the conditions related. Therefore, it would appear that payment of compensation to them should be legalized and that disbursing and certifying officers by whom these payments were made or certified should be relieved of liability where the payments were otherwise legal and correct. Section 1 of the proposed bill authorizes and directs the Comptroller General of the United States to allow credit in the accounts of disbursing officers and to relieve certifying officers of liability for payments for services rendered by such aliens. Under section 2 where credit is allowed as provided for in section 1, the alien receiving the payment would be relieved of liability for refunding the same, and refunds made could be repaid to the alien. Section 3 would permit payment to the former employees of amounts for which the certifying officers were not held liable, but which were withheld from the former employee or which constitute compensation for services rendered which was not paid to the employees.

This matter was brought to the attention of Congress in 1953 and a bill (S. 2018), similar to the attached proposed bill, was introduced. Since no final action was taken on S. 2018, we are recommending that consideration now be given to the enactment of the proposed bill.

The Bureau of the Budget advises that there is no objection to the submission of this proposed legislation to the Congress for its consideration.

A similar letter is being sent to the President of the Senate.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

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Calendar No. 2369

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2345

MARTIN M. SORENSEN

JUNE 25 (legislative day, JUNE 22, 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1876]

The Committee on the Judiciary, to which was referred the bill (H. R. 1876) for the relief of Martin M. Sorensen, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

On page 2, beginning on line 1, strike the words "in excess of 10 per centum thereof".

PURPOSE

The purpose of the proposed legislation, as amended, is to pay to the claimant, Martin M. Sorensen, of New Orleans, La., the sum of $592.50 in full settlement of all claims against the United States for pay and allowances for 45 days terminal leave due him as an incident of his service as a commissioned officer in the United States Coast Guard Reserve.

STATEMENT

It would appear that Mr. Martin Sorensen was commissioned a lieutenant commander in the United States Coast Guard Reserve on May 29, 1943, and was placed on active duty. On October 31, 1945, he was advised by the Commandant of the Coast Guard that he could not be retained on active duty beyond his 64th birthday on February 6, 1946. He was authorized to take his accumulated leave prior to detachment, and he departed on leave on November 16, 1945.

On November 21, 1945, a law took effect which permitted members of the armed services on terminal leave to become civilian employees of the Government without giving up their terminal leave. Mr. Sorensen when advised of this law requested that he be restored to his former civil-service status at the end of his terminal leave. The Coast Guard authorities neglected to point out that Mr. Sorensen's reply had directed a restoration which would not be as advantageous to him as would an immediate restoration to civil-service status as permitted by the law. As pointed out in the memorandum furnished by the Department of the Treasury, if Mr. Sorensen had on the date he returned from leave, December 7, 1945, reentered civil employment, the Coast Guard would have received precisely the same amount of service, but Mr. Sorensen would have received his terminal-leave pay and in addition his civilian pay for the period. It is also noted in that memorandum that Mr. Sorensen only took 20 days of the 65 days of terminal leave he had coming to him before he returned to his work.

The Treasury Department in its letter of transmittal and the accompanying memorandum recommend that the legislation receive favorable consideration. The report of the Comptroller General of the United States and the report of the United States Civil Service Commission recommend against enactment of the legislation.

The facts seem to be as stated in the Treasury Department letter that there was an administrative error in Mr. Sorensen's case. He was restored to his civilian position as he had requested through misunderstanding of his rights in the matter. Mr. Sorensen's claim is for money which would have accrued to him had he been restored to the civilian position on December 7, 1945, instead of February 9, 1946.

The committee, after study of this matter, is constrained to agree with the conclusions reached by the Treasury Department and, therefore, recommends that the bill, H. R. 1876, as amended, be considered favorably.

TREASURY DEPARTMENT,
Washington, D. C., January 13, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Reference is made to the request of your committee for the views of the Treasury Department on H. R. 1876, for the relief of Martin M. Sorensen.

The purpose of H. R. 1876 is to authorize payment to Martin M. Sorensen, New Orleans, La., of the sum of $697.35 in full settlement of all claims against the United States for pay and allowances for 45 days terminal leave which he allegedly should have received as an incident to his service as a commissioned officer in the United States Coast Guard Reserve.

The facts and certain observations pertinent to the consideration of H. R. 1876 are set forth in the attached memorandum. The facts indicate that the Government received services of Mr. Sorensen for which he could, had he followed an appropriate course of action, have received $592.50 in additional compensation.

The Treasury Department would not object to the enactment of H. R. 1876, provided the sum of $592.50 is substituted for the sum of $697.35 in line 6 of the bill.

The Bureau of the Budget has indicated that it would have no objection to the submission of this report to your committee. The Bureau has asked that the enclosed copies of letters from the General Accounting Office and the Civil Service Commission be made available to your committee.

Very truly yours,

DAVID W. KENDALL,
Acting Secretary of the Treasury.

MEMORANDUM TO ACCOMPANY A REPORT TO THE HOUSE COMMITTEE ON THE JUDICIARY ON H. R. 1876, FOR THE RELIEF OF MARTIN M. SORENSEN

Martin M. Sorensen, a civilian inspector of hulls in the Coast Guard, was commissioned a lieutenant commander in the Coast Guard Reserve on May 29, 1943, and placed on active duty. He continued, however, to perform the same sort of marine inspection duties as he had performed as a civilian employee. On October 31, 1945, the Commandant advised Sorensen that he could not be retained in the Reserve beyond his 64th birthday, which was on February 8, 1946, and that he was authorized to take accumulated leave prior to detachment. Pursuant to this advice Sorensen adparted on 65 days' leave on November 16, 1945.

On November 21, 1945, an act was approved which permitted members of the Armed Forces on terminal leave to become civilian employees of the Government without giving up their terminal leave. On December 4, 1945, the district Coast Guard office wired the Commandant transmitting a message from Sorensen indicating his desire to take advantage of this measure and "requesting that my terminal leave be paid to me in cash at the expiration of which on February 8, 1946, I request I be restored to my former civil service status." The district Coast Guard officer asked to be advised, and the Commandant wired back to advise Sorensen "to make application your office for restoration to former civilian position upon separation from Coast Guard Reserve."

It may be inferred from these dispatches that Sorensen did not quite understand the provisions of the act of November 21, 1945, because he requested action which would not appear to have been the most favorable to him, and that while the Commandant advised how Sorensen could effect the action he had requested, the Commandant did not point out the alternative which would have been to Sorensen's advantage.

Despite the fact that under the new law the action most advantageous to Sorensen would have been for him to reenter civilian employment immediately, the record shows that he returned from leave after taking only 20 of the 65 days granted him, and remained on active military duty until he reached the age of 64 on February 8, 1946, when he resumed his civilian position.

If Sorensen had on December 7, 1945, reentered civilian employment rather than return to military duty, the Coast Guard would have received from him precisely the same amount of service. Sorensen, however, would have received not only his military pay and allowances for the 45 days of unused leave but also the civilian pay for that period. This pay would have been $592.50.

Since the Government had the benefit of services of Sorensen for which he would have, except for a technical misunderstanding of the proper way to become eligible, received $592.50, and since a possible precedent exists in Private Law 818, 81st Congress, which involved a similar though not the identical set of facts, the Treasury Department would not object to private relief for Sorensen in the amount of $592.50.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D. C., July 29, 1955.

Hon. ROWLAND R. HUGHES,
Director, Bureau of the Budget.

DEAR MR. HUGHES: Reference is made to letter dated July 19, 1955, from the Assistant Director, Legislative Reference, enclosing a copy of a proposed report of the Treasury Department on H. R. 1876, 84th Congress, entitled, "A bill for the relief of Martin M. Sorensen," and requesting an expression of our views on the matter.

H. R. 1876 would authorize and direct the Secretary of the Treasury to pay Martin M. Sorenson the sum of $697.35, in full settlement of all claims by him against the United States for pay and allowances for 45 days' terminal leave incident to his service as a commissioned officer in the United States Coast Guard Reserve.

Similar bills for the relief of Mr. Sorensen were introduced in the 81st and 83d Congresses. See H. R. 9730, 81st Congress, 2d session, and H. R. 2590, 83d Congress, 1st session.

It appears that on May 29, 1943, Mr. Sorensen, a civilian employee in the Bureau of Marine Inspection and Navigation, United States Coast Guard, was appointed a lieutenant commander in the Coast Guard Reserve. Apparently he immediately was ordered to active duty under his Reserve commission and served on active duty until February 8, 1946, when he became 64 years of age and, therefore, was discharged by reason of having reached the maximum age for serving as a commissioned officer of the Coast Guard Reserve. On February 9, 1946, he resumed his civilian employment with the Coast Guard.

By letter dated October 31, 1945, the Commandant of the Coast Guard advised Mr. Sorensen that he would be discharged from the Coast Guard Reserve on February 8, 1946, and informed him that if he wished to use his accumulated leave, the district Coast Guard officer was authorized to grant such leave as he might request. On November 15, 1945, Mr. Sorensen acknowledged receipt of the Commandant's letter and requested restoration to his civilian position as of the date of his discharge. Also, at the same time, he was granted 65 days' leave, the entire balance to his credit, and he departed on his leave on November 16, 1945.

The act of November 21, 1945 (59 Stat. 584, 5 U. S. C. 61a–1), provided in effect that certain former civilian employees of the Government on terminal leave from military duty could be reemployed in their civilian positions and receive concurrently terminal-leave pay and the compensation of their civilian positions. On December 4, 1945, Mr. Sorensen advised the Coast Guard that he desired to take advantage of that law and he requested that his terminal leave be paid to him in cash on February 8, 1946. Also, he again requested restoration to his civilian position upon his discharge from the Coast Guard Reserve. On December 5, 1945, he was advised to apply for restoration to his civilian position upon separation from the Reserve. Mr. Sorensen returned to duty as a commissioned officer on December 7, 1945, having used only 20 days of his leave, and he continued in a duty status until his discharge on February 8, 1946. In a letter of October 30, 1946, to the Commandant of the Coast Guard, Mr. Sorensen said that he was recalled to active duty on December 7, 1945, because of the enormous amount of work in his Coast Guard district. That statement, however, is not supported by any orders and, as the letter of October 30, 1946, indicates that his return to duty was predicated upon being paid for his leave as requested in his communication of December 4, 1945, it appears that Mr. Sorensen could have remained on terminal leave, had he so desired.

Copies of various communications between Coast Guard Headquarters and the district Coast Guard officer on file in our office suggest that, due to a shortage of funds to pay civilian personnel, the Coast Guard might have been unable to restore Mr. Sorensen to his civilian position any appreciable length of time prior to his discharge from the Coast Guard Reserve, even had he requested restoration at an earlier date than February 9, 1946.

The leave laws applicable at the time of Mr. Sorensen's discharge did not authorize a cash payment on discharge for accrued leave of members of the Armed Forces. And, since Mr. Sorensen was not restored to his civilian position until after his status as a commissioned officer had been terminated, the act of November 21, 1945, is not applicable to his case. He could not have been retained on active duty in a terminal-leave status with pay after February 8, 1946, because that was after his 64th birthday. Consequently a claim by Mr. Sorensen for pay for his lost terminal leave properly was denied.

The Treasury Department would report favorably on this bill, citing as a precedent for favorable action Private Law 818, 81st Congress, approved August 17, 1950, for the relief of John F. Oettl. While Mr. Oettl also lost leave on his discharge from the Coast Guard Reserve upon reaching the statutory age limit, the legislative history of Private Law 818 indicates that the loss in his case was occasioned by administrative error in not restoring him to his civilian position at an earlier date. There is no indication of any such administrative error in Mr. Sorensen's case. He was restored to his civilian position upon his discharge, precisely as he had requested. Moreover, apparently due to lack of funds, it seems doubtful that he could have been restored to his civilian position at a much earlier date than February 9, 1946, the date he was restored to such position. It may be noted that by letter of September 9, 1948, B–79636, to the Director, Bureau of the Budget, we expressed the view that Mr. Oettl's claim appeared to be without merit.

We perceive little or no merit in H. R. 1876. Mr. Sorensen's claim is for money that would have accrued to him had he been restored to his civilian position on December 7, 1945, instead of February 9, 1946. During that period he was, by his own choice, on active duty with the Coast Guard and did not perform any duty as a civilian employee. In such circumstances his claim for civilian pay appears to be without justification.

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 2, 1955.

Mr. ROGER W. JONES
Assistant Director, Legislative Reference,
Bureau of the Budget, Washington, D. C.

DEAR MR. JONES: This is in reply to your letter of July 19, 1955 requesting the views of the Civil Service Commission on H. R. 1876, a bill for the relief of Martin M. Sorensen.

The Commission does not favor this bill.

Mr. Sorensen was employed as an assistant inspector of hulls in the Bureau of Marine Inspection and Navigation, United States Coast Guard. He left his position on May 29, 1943, when he was commissioned as a lieutenant commander in the Coast Guard Reserve. In a letter dated October 31, 1945, Mr. Sorensen was notified that the Coast Guard Reserve laws did not permit his retention in the service beyond his 64th birthday and it would be necessary to effect his honorable discharge on February 8, 1946. He was further advised that he would be permitted to take such of his accumulated leave as he desired, but that it was necessary for him to use the leave prior to his discharge. Mr. Sorensen was entitled to 65 days' leave.

On November 16, 1945, Mr. Sorensen departed his station on leave. On December 7, 1945, after using only 20 days of his leave, he returned to duty. The record shows no reason for his early return. He was subsequently discharged on February 8, 1946. On February 9, 1946, he returned to his civilian position in the Coast Guard.

At the time of his discharge, Mr. Sorensen had to his credit 45 days of unused leave. He filed a claim with the General Accounting Office for $697.35 representing pay and allowances for 45 days terminal leave. The Comptroller General denied the claim on January 2, 1947, with the comment that, "the statutes provide no authority to allow pay after release from active duty in lieu of leave not granted prior to such release."

What the law does provide is that a person on terminal leave from the Armed Forces may enter or reenter the employment of the United States and may receive both the compensation from his Federal position and the compensation from his terminal leave (act of November 21, 1945, 5 U. S. C. 61a–1). Under this statutory provision, Mr. Sorensen would have been able to return to his civilian position 45 days earlier and would have received both the pay for that position and the pay and allowances for the period of terminal leave as an officer of the Coast Guard.

The report on this bill submitted by the Secretary of the Treasury states that the failure to place Mr. Sorensen on terminal leave and to apprise him of the provisions of the act of November 21, 1945, appears to have resulted from oversight or administrative error. He has no objection to the bill as a means of correcting that oversight or error. His conclusion, however, is that the extent of Mr. Sorensen's claim is more correctly measured by the amount of his salary in his civilian position for 45 days, and it is suggested that the sum of $592.50 be substituted for $697.35 in line 6 of the bill.

The inability of Mr. Sorensen to take advantage of the provisions of the act of November 21, 1945, was admittedly the result of administrative error. Administrative errors occur every day and in many forms. We do not believe it is equitable to single out this individual case for favored treatment when other less fortunate persons whose cases cannot be corrected by administrative action have not been able to get relief from administrative error. We do not, therefore, favor this bill.

By direction of the Commission:

Sincerely yours,

PHILIP YOUNG, *Chairman.*

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Calendar No. 2370

84TH CONGRESS, 2d Session — SENATE — REPORT No. 2346

JOHN R. HENRY

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 9371]

The Committee on the Judiciary, to which was referred the bill (H. R. 9371) for the relief of John R. Henry, having considered the same, reports favorably thereon, with an amendment, and recommends that the bill, as amended, do pass.

AMENDMENT

Page 2, line 2, after "wages" insert:

Provided, That no part of any amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding $1,000.

PURPOSE OF AMENDMENT

Inasmuch as the bill includes a provision for repayment and inasmuch as the record fails to disclose that any substantial legal services were rendered in connection with this claim, the bill has been amended to prohibit the payment of attorney's fees.

PURPOSE

The purpose of this bill, as amended, is to relieve John R. Henry from repaying the United States the amount of $947.47, which amount

represents improper compensation paid him while employed at the Wright Air Development Center, Wright-Patterson Air Force Base, Ohio, from October 25, 1951, through May 1955. The bill further directs the Secretary of the Treasury to pay John R. Henry any amounts repaid by him or deducted from his salary in accordance with certain overpayment.

STATEMENT

John R. Henry is a civilian employee of the Air Force at the Wright Air Development Center, Wright-Patterson Air Force Base, Ohio. On the 28th of October 1951, he was changed from a wage-board position to a Classification Act position. Public Law 201 of the 82d Congress which established rates of pay for these positions had been enacted just 4 days prior to Mr. Henry's change in positions. As a result of a misapplication and misinterpretation of the existing law, Mr. Henry was overpaid in the amount of $947.47 in his new classification.

The record shows that after Mr. Henry had accepted his promotion on February 12, 1952, he was informed that he had been overpaid the sum of $112 for the period October 28, 1951, through February 12, 1952, and that collection of this overpayment was mandatory. With no objection on his part, this amount was paid back to the Government which reduced his takehome pay from $156 to $131.31 for the period of reimbursement. Mr. Henry is of the opinion that no refund was ever adjusted for the income tax or other deductions which he paid on the overpayment.

Subsequent thereto on September 22, 1952, a second correction was made and on the same day, another correction was made which increased his pay from the reduced amount which necessitated the overpayment, and his pay was increased to the $4,830 per annum rate which he received when he was first promoted to the Classification Act position. Upon the receipt of this notice, Mr. Henry questioned the validity of the action through his Personnel Records Branch, at which time he was informed he was entitled to this increase. In view of the fact that he had just recovered financially from his previous overpayment resulting from an error in personnel action, he again questioned this "promotion" and had his records rechecked to substantiate this action and was again assured that the notification was correct. He subsequently received the step increase on his new base rate and on June 2, 1955, was informed by the Chief of the Civilian Personnel Division that an error had been made sometime in the past and had been discovered by the Dayton regional audit office and that again it was an overpayment made through an error in personnel action, and that at a later date it would be computed by the Payroll Section to determine the amount of overpayment and further, that collection was mandatory. Subsequently, in August 1955, he was informed that the total overpayment was $947.47 covering the period October 25, 1951, through May 1955.

The committee notes that in view of the fact that this overpayment took place over a considerable period of time and that the amount involved is approximately $1,000, and while Mr. Henry's yearly income is below $5,000, there would be a considerable hardship on his part if he were compelled to repay the sum of this overpayment. Further,

had he remained in his wage-board status, which salary was very slightly under the amount of the salary paid in the Classification Act position, he would not now be confronted with this problem.

The records show that the Air Force in their civilian personnel letter No. 21 (of 1951), letter No. 3 (of 1952) and letter No. 12 (of 1952), twice changed their position with regard to employees who changed positions from wage board to Classification Act positions, once calling for a retroactive period for such personnel, subsequently calling for the payment of the full amount without a retroactive period with an intervening letter which conflicted with the other two. The basis for Mr. Henry's overpayment was directly the result of his personnel branch causing him to fill in Standard Form 50 when in fact, because Mr. Henry's promotion had come 4 days after the enactment of Public Law 201 of the 82d Congress, the filling in of Standard Form 50 was improper. This error was not determined until almost 4 years later.

The Department of the Air Force believes that Mr. Henry's extra pay was taken in good faith and in no way contributed to the error. If the Congress should decide that Mr. Henry's request for relief is meritorious then the Department of the Air Force would not object to the enactment of H. R. 3971.

After a careful study of the foregoing facts and in view of the repeated personnel errors involved and the necessary hardship to Mr. Henry and his family which would be imposed due to this administrative error, and in view of the position of the Department of the Air Force, the committee recommends that this bill as amended, be favorably considered.

Attached hereto and made a part of this report is the report of the Department of the Air Force and other pertinent data in connection with this legislation.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, April 18, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request for a report on H. R. 9371, 84th Congress, a bill for the relief of John R. Henry.

The purpose of H. R. 9371 is to authorize and direct the Comptroller General of the United States to credit the accounts of John R. Henry in the amount of $947.47. Further, the bill would direct the Treasurer of the United States to repay Mr. Henry any amount which he has paid back to the United States on his pay account.

John R. Henry is a civilian employee of the Air Force at the Wright Air Development Center, Wright-Patterson Air Force Base, Ohio. On October 28, 1951, he was changed from a wage board position to a Classification Act position. Public Law 201, 82d Congress, which established rates of pay for these positions, had been enacted 4 days prior. Because of misapplication and misinterpretation of existing law, Mr. Henry was overpaid in the amount of $947.47 in his new classification. It now becomes necessary for the Government to re-collect the overpayment.

The Department of the Air Force believes that Mr. Henry accepted extra pay in good faith and in no way contributed to the error. If the Congress should decide that Mr. Henry's request for relief is meritorious, this Department would not object to enactment of H. R. 9371.

The Bureau of the Budget has advised that it has no objection to the submission of this report, but that it concurs with the report of the Comptroller General.

Sincerely yours,

DAVID S. SMITH,
Assistant Secretary of the Air Force.

FAIRBORN, OHIO, *November 10, 1955.*

Hon. CLARENCE J. BROWN,
Member of Congress, Blanchester, Ohio.

DEAR CONGRESSMAN BROWN: Prior to this occasion, never before have I had to prevail on the services of the Representatives, in Washington, D. C., from our district here in Ohio. However, because I have exhausted all means of trying to solve my problem while being employed under civil service, at Wright-Patterson Air Force Base, I am coming to you to ask your assistance in resolving a solution to matters not only concerning myself, but to many others who may be involved not only at this time, but in the future.

My problem concerns, "Overpayment as a result of personnel action, dating back to October 25, 1951, effective the 28th October 1951."

As indicated in exhibit No. 1, dated October 25, 1951, I was reclassified as a result of a job survey, from grade WB–15: $2.13 per hour to grade GS–7 at the rate of $4,450 per year or at the rate of $2.14 per hour. Then, as a result of Public Law 201, 82d Congress, I was increased to the rate of $4,830 per year, which is not shown by exhibit because WADC personnel office did not furnish this employee with a copy of the action at that time.

On February 12, 1952, I was informed by the Payroll Branch, which at that time was under AMC, through WADC Payroll Branch, that I had been overpaid the sum of $112 covering the period of October 28, 1951, through February 12, 1952 and that collection for this overpayment was mandatory. With no objections, this was paid back to the Government reducing my take home pay from $156 to $131.31 for the period of reimbursement, and to the best of my knowledge, no refund was ever adjusted for the income tax which I paid on the overpayment. As a result of this error, I was notified that my yearly income was reduced from $4,830 to $4,455, which is shown in exhibit No. II, dated the February 12, 1952.

Exhibit II–A will show, as a result of Public Law 536, 82d Congress, I was notified on September 22, 1952, of a second correction canceling exhibit II, dated February 12, 1952. Then, on the very same date, I received another notice, exhibit No. III, correcting exhibit No. I, dated October 25, 1951, giving me an increase of from $4,455 back to $4,830 per year. Upon receipt of this notice, I questioned the validity of this action through the Personnel Records Branch of WADC, and at which time was informed that I was entitled to this increase which

was termed a "promotion," but in reality was a "cost of living increase," granted by the 82d Congress. In view that I had just recovered financially from a previous overpayment resulting from an error in personnel action, I again questioned, and had my records rechecked to substantiate this, and again, I was assured that the notification was correct. On November 4, 1952, I received my first pay check with the added increase in salary plus retroactive pay covering this period back to effective October 28, 1951. Again, income tax and retirement was deducted on the full amount.

Effective on October 26, 1952, I received notice of a step increase from $4,830 to $4,955 per year as shown in exhibit No. IV. This rate, $4,955 was paid to me until June 28, 1955, however on the 2d of June 1955, I was informed by the Chief of Civilian Personnel Division, WADC, that an error was made some time in the past and had been discovered by the Dayton Regional Audit Office, that again there had been an overpayment made through an error in personnel action, and that at a later date it would be computed by the payroll section to determine the amount of overpayment and also, that the collection of overpayment is mandatory. This is indicated in exhibit No. V. Two months later, August 1955, I was informed that the total overpayment was $947.47, covering the period of October 25, 1951 through May 1955.

As you can obviously see, Congressman Brown, there is no question regarding the fact that there were many errors made as a result of somewhere in personnel action, that it could not be determined as to what rate of income I was to be paid.

As a result of all this unbalanced action covering a period over 4 years, many hours were consumed, not only by myself but by others in personnel branches, endeavoring to come to a conclusion as to what took place and whether or not this latest action was justified. However, to no avail, information supplied to me was so conflicting that there was no alternative for me but to believe, that this demand for me to make refund of overpayment, questionable.

Therefore, a list of questions was submitted to the Administrative Branch of WADC to obtain in writing, answers which could be referred to as official guidance concerning my problem. This outlined in exhibit No. VI.

Inasmuch as I was led to believe back in 1951 upon conversion from grade WB–15 to GS–7 that I would be entitled to all provisions governing the graded employees and receive all administrative pay raises, for which if this money is refunded, I would not have received, could it be that I retain the right to refuse this conversion and regain the rights of the ungraded employees for the period of time involved, which would benefit me greatly. However, this cannot be done.

Considering other details, such as Air Force letters cited in exhibit VI, paragraph 3C, D and E, action was coordinated after date of my conversions. Therefore, it appears that an employee such as I with 20 years of unmarred continuous service, or any other employee involved, should reserve the same rights as the Air Force or civil service, inasmuch as all actions were presented to me realizing more income to myself and family and than to have complete reverse action taking away that which I have accepted in good faith. It appears to be somewhat of a "giveaway" program with me doing the giving away.

It is with this problem that I come to you to ask for your assistance in trying to obtain final decision as to whether or not I can be relieved of this situation either by the findings of your office with the aid of the Comptroller General or by actions of a previous ruling handed down in cases such as mine, and if necessary by a new decision which could be made by the proper authorities.

Realizing that you have many problems to cope with while performing your duties in Washington, I hope that you will be able to find time to assist me, or turn this matter over to some other competent person for action. Thanking you very much for your consideration and assistance, I remain.

Sincerely yours,

JOHN R. HENRY.

DECISIONS OF THE COMPTROLLER GENERAL OF THE UNITED STATES VOLUME 28, JULY 1, 1948, TO JUNE 30, 1949, PAGE 514 AND PAGE 515

(B–82805)

OFFICERS AND EMPLOYEES, DE FACTO, RETENTION OF COMPENSATION ALREADY PAID

Where administrative personnel actions, such as appointments, promotions, or reinstatements, are found after a substantial period of time to be erroneous upon postaudit by the Civil Service Commission but not due to bad faith or fraud either on the part of the employee or the administrative officials, the employee properly may be considered as serving in a de facto status under the unauthorized personnel action and may be permitted to retain compensation received by him prior to the time such error is brought to the attention of the administrative officials (28 Comp. Gen. 69, modified).

Comptroller General Warren to the President, United States Civil Service Commission, March 14, 1949

There has been considered your letter of January 7, 1949, requesting decision respecting the matter of the liability of employees for refund of compensation received by them as a result of personnel actions taken administratively which, upon postaudit by the Civil Service Commission, are found to be erroneous but not due to misrepresentation or fraud on the part of the administrative agency or of the employees.

It is stated in your letter that clarification of the above-mentioned matter is desired because of the holding in office decision of July 30, 1948, B–75633, 28 Comptroller General 69, said holding being to the effect that where it is found by the Civil Service Commission upon postaudit of personnel actions—the procedure adopted under the recently inaugurated program for the delegation to the various agencies of the authority to act for the Commission in personnel matters—that an employee does not have the qualifications necessary for the position to which appointed, promoted, or reinstated, as the case may be, refund of all compensation received because of such erroneous action is required, without regard to the bona fides of the administrative officials or of the employee involved.

It is understood that, as a rule, a substantial period of time elapses between the date when administrative action is taken in cases of the

nature here considered and the date of postaudit by the Commission representatives. Further, it has been pointed out that administrative officials are unwilling to process personnel actions which, if later determined to be erroneous, will subject the employee to liability for refund for the compensation received thereunder.

Manifestly, a rule which would sanction indiscriminate administrative personnel actions or permit employees to obtain financial advantage by knowingly misrepresenting their qualifications is not sound. On the other hand, recognizing that honest errors are bound to occur in the administration of such a broad program of decentralized authority such as is described in your letter, it appears that a rule which penalizes every error, be it honest or otherwise, is too harsh. Consequently, having in mind the necessary period of delay between the date of administrative action and the date of postaudit by the Commission, it reasonably appears that where personnel actions are found to be erroneous upon postaudit but there is found no evidence of bad faith or fraud either on the part of the employee or the administrative officials involved, the employee properly may be considered as serving in a de facto status under the unauthorized personnel action and may be permitted to retain compensation received by him prior to the time such error is brought to the attention of the administrative officials. To the extent indicated, the said decision of July 30, 1948, is modified.

DF from WCUOT to WCPCP.
Subject: Request for information.
To: EWCBP.
From: WCPCP.
Comment No. 2: Mr. Zartman/rem, 33234/B12/rm 106.

OCTOBER 24, 1955.

It is requested that the information requested by paragraphs 4 and 5, comment No. 1, be furnished.

W. E. ZARTMAN,
Chief, Administrative Branch,
Civilian Personnel Division, DCS/Personnel.

To: WCPCP.
From: EWCBP.
Comment No. 3, Mr. McKenny/gm, 56109/B70/P17B.

OCTOBER 28, 1955.

1. Complete information as requested in paragraphs 4 and 5 of comment No. 1 cannot be furnished, as the overpayment collected in February 1952 was a result of a SF 50 issued in accordance with instructions contained in civilian personnel letters.

2. Indebtedness in the amount of $947.47 was established upon receipt, by the Payroll Branch, of formal notices of exception, dated August 8, 1955, from the Dayton regional audit office. The Payroll Branch has no information concerning which member of the audit team discovered the error. Such information, if necessary, should be requested from the local office of the General Accounting Office.

3. In an effort to assist Mr. Henry, the following analysis of events which led to the overpayment is as follows:

(*a*) Public Law 201, 82d Congress was passed, which increased salaries of all Classification Act employees, retroactive to the first pay period after June 30, 1951. Date of enactment was October 24, 1951.

(*b*) Salaries of all Classification Act employees, including those who had changed from Wage Board to Classification Act positions, were changed to reflect the new salaries indicated in supplement 1 to salary tables Nos. 32 and 33 issued by the General Accounting Office. Mr. Henry, who occupies a position of GS–7, step 6, was changed from $4,450 per annum to $4,830 per annum.

(*c*) Air Force civilian personnel letter 21, dated November 23, 1951, was received. Instructions contained therein required a step reduction adjustment for those employees who changed from a wage board to a Classification Act position during the retroactive period. No collection action was taken pending receipt of correcting SF 50. Correcting SF 50, dated February 12, 1952, was received. Collection action was taken, and Mr. Henry's salary was changed from GS–7, step 6, $4,830 per annum to GS–7, step 3, $4,455 per annum.

(*d*) Air Force civilian personnel letter 3, dated February 21, 1952, contained instructions which conflicted with those indicated in (*c*) above. Clarification was requested by the Civilian Personnel Office.

(*e*) Air Force civilian personnel letter 12, dated August 15, 1952, was received, which partially changed the prior instructions. Cited was Public Law 536, 82d Congress, July 14, 1952, which provided for retroactive adjustment of salaries for former wage board employees, who changed from wage board to Classification Act positions, prior to the date of enactment of Public Law 201, 82d Congress, enacted October 24, 1951. Standard forms 50 were prepared for all employees affected and adjustment was made. Mr. Henry was changed from GS–7, step 3, $4,455 per annum to GS–7, step 6, $4,830 per annum. Inasmuch as the effective date of Mr. Henry's change from a wage board to a Classification Act position was October 28, 1951, standard form 50, adjusting his salary, was in error.

(*f*) The error was not detected until the 1955 audit, made by representative of the General Accounting Office.

DONALD J. MCKENNY,
Chief, Civilian Payroll Branch,
Budget and Accounting Division.

DF from WCUOT to WCPCP.
Subject: Request for information.
To: WCUOT.
From: WCPCP.
Attention: Mr. John R. Henry.
Comment No. 4, Mr. Zartman/rem, 33234/B12/rm 106.

1. Comment No. 3 outlines all actions taken and the reasons therefor.
2. The names of the individuals who found the errors are not known.

W. E. ZARTMAN,
Chief, Administrative Branch,
Civilian Personnel Division, DCS/Personnel.

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Calendar No. 2371

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2347

ENS. CHARLES A. BINSWANGER

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

[Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 6190]

The Committee on the Judiciary, to which was referred the bill (H. R. 6190) for the relief of Ens. Charles A. Binswanger, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On page 1, line 9, strike "(1)".
2. On page 2, beginning on line 1, strike the following:

, and (2) for unpaid amounts due him at the time of his retirement in 1946 for mileage from Rochester, Minnesota, to Baltimore, Maryland.

PURPOSE OF AMENDMENTS

The purpose of the proposed amendments is to strike from the amount of the claim any payment to the claimant for any unpaid mileage allegedly due him, for the reason stated, infra.

PURPOSE

The purpose of the proposed legislation, as amended, is to pay to Ens. Charles A. Binswanger, United States Coast Guard Reserve, retired, of Baltimore, Md., the sum of $5,224.18 in full settlement of all claims against the United States for reimbursement of medical, surgical, and hospital expenses incurred by him between January 30, 1946, and September 22, 1949.

STATEMENT

The claimant, Charles A. Binswanger, was born in 1916 and was commissioned a permanent ensign in the United States Coast Guard Reserve on November 25, 1942. Records of physical examinations on June 12 and November 2, 1942, disclosed no indication of his subsequent disability.

While on duty with the Coast Guard during World War II, on January 4, 1943, the claimant developed urinary retention and was hospitalized at the United States Naval Hospital, Argentia, Newfoundland. He responded to treatment and was discharged on January 12, 1943.

He returned to sea duty and on January 30, 1943, he passed a urinary calculus and some blood and was in considerable pain. On February 25, 1943, he was returned to the hospital in Newfoundland and remained there until March 3, 1943, when he was transferred to the nearest hospital in the United States.

On March 30, 1943, the claimant entered the United States Marine Hospital, Boston, Mass., and remained there, with only a 12-day break, until October 11, 1943. He was found to be suffering from a stricture of the urethra, chronic cystitis and a calculus in the right kidney. Limited duty was recommended.

On October 15, 1943, while on leave, he entered the United States Marine Hospital, Baltimore, Md., and was not discharged until May 30, 1944. The principal findings were contracture of the bladder neck, urethral stricture, renal calculus, right, chronic cystitis, bladder calculus, chronic prostatitis, postoperative hemorrhage, secondary anemia, diarrhea and infected hydronephrosis. Subsequently he was in the United States Marine Hospital in Boston from November 14 to December 14, 1944, from January 19 to April 18, 1945, and was again admitted on October 6, 1945.

During this last hospitalization, Ensign Binswanger went before a Coast Guard retiring board. In his statement to the president of the retiring board, the Director of the United States Public Health Service stated, as to the claimant's condition:

> Observation of the patient during these periods of hospitalization, together with the many physical and laboratory examinations made, including also the X-ray and cystoscopic examinations, show that he is now suffering from an involvement of the entire urinary tract from the urethra to the kidney and the condition is becoming progressively worse.
>
> Physical examination shows an emaciated, seriously ill individual. He suffers greatly and has to urinate frequently, passing a small amount of infected purulent urine. He states that during the day he has to urinate about every 30 minutes. The diagnoses are based on the X-ray, laboratory, and cystoscopic reports toegther with the history of the case.

The board recommended that the claimant be retired for physical disability. This recommendation was approved and on November 1, 1946, he was placed in a retired status due to physical disability incident to service.

Subsequent to his appearance before the retiring board the claimant was transferred to the United States Marine Hospital, Baltimore, Md.

On January 30, 1946, subsequent to his appearance before the retiring board, Rear Adm. Paul M. Stewart, United States Public Health Service, the then Chief Medical Officer of the Coast Guard,

addressed a memorandum to the Chief Personnel Officer, United States Coast Guard, as follows:

Mr. Binswanger is now critically ill in the Marine Hospital, Baltimore, and telephone information indicates that he is in need of streptomycin therapy which is available at the Mayo Clinic, Rochester, Minn. It is requested that Mr. Binswanger be issued dispatch orders at the Marine Hospital, Baltimore, authorizing him to proceed by air to Rochester, Minn., to obtain this necessary treatment. It is probable that he will require an attendant and it is further recommended that Ph. M. 1c James W. Claus (615–150), on duty at the Marine Hospital, Baltimore, be authorized to proceed as attendant via air travel if necessary. If Claus proceeds on orders same should direct him to return to Baltimore upon completion of temporary duty. Orders for Mr. Binswanger should direct him to return to Baltimore upon completion of treatment at Rochester.

Pursuant to Admiral Stewart's recommendation, dispatch orders were issued to Ensign Binswanger as follows:

For Ens. Charles A. Binswanger Res Proceed to Rochester Minn for TD X on completion ret Baltimore Md and resume present status X Travel by commercial and or govt air authd for travel by nats class S priority certified X Mileage allwd except travel by air for which perdiem authd exp chgbl HQ allot 051 dash 20.

Ensign Binswanger proceeded to Rochester, Minn., in compliance with the orders.

Bills for medical services submitted by Ensign Binswanger indicated that he was a patient at the Colonial Hospital (Mayo Clinic), Rochester, Minn., during the following periods February 4, 1946, to January 9, 1947; April 26 to May 1, 1947; March 15 to 17, 1948; March 23 to April 5, 1948.

The surgeon in charge of the claimant at the Mayo Clinic, Dr. D. O. Ferris, states in his letter of June 1, 1956 (infra) that Mr. Binswanger was treated at the clinic from February 4, 1946, to April 16, 1948, as one continuous treatment (with some time for convalescence) for hemangioma of the urinary bladder. He underwent multiple surgical procedures during this period. In fact, he was retired only 2 days after his left kidney was removed by surgical operation.

Attached to this report are charges from the Mayo Clinic and the Colonial Hospital (an organization attached to the clinic) showing Mr. Binswanger's medical expenses to be considerably in excess of the amount of this claim.

The Veterans' Administration is opposed to the enactment of this measure insofar as it concerns any expenses incurred subsequent to the claimant's retirement from service on November 1, 1946. However, the committee notes that the claimant is a retired officer, his disability is service connected and he need not rely on Veterans' Administration facilities for hospitalization.

The Treasury Department chooses not to comment upon the claim for medical expenses, inasmuch as the Department feels that this portion of the bill is within the purview of the Public Health Service. The Department, however, is opposed to that portion of the bill which would authorize the payment of unpaid mileage on the basis that the claimant has failed to exhaust his administrative remedies, in that he has never filed a claim for such mileage with the Coast Guard.

The committee is constrained to agree with the Treasury Department with respect to the unpaid mileage of the claimant. Accordingly, the committee has amended the bill to delete that portion of the

bill which refers to unpaid mileage. Inasmuch as the record shows medical expenses paid by Mr. Binswanger to be in excess of the amount specified in the claim, the amount has not been reduced.

The Department of Health, Education, and Welfare, to which the Public Health Service was transferred, is opposed to the enactment of this bill. The Department is of the opinion that the claimant's hospitalization at Mayo Clinic was private treatment at his own request and that the orders were issued by the Coast Guard sending the claimant to the clinic with an attendant were for the claimant's benefit to help obtain air transportation. The departmental report also states that the Coast Guard was without authority to authorize treatment at the clinic at Government expense (in that this was the province of the Public Health Service who supplied medical services to the Coast Guard) and concludes that the case presents no equities or mitigating circumstances sufficient to warrant favorable action on this bill.

The committee is unable to agree with the report of the Department of Health, Education, and Welfare for several reasons. First, the record shows the claimant to be a patient in a service hospital where he was a seriously ill individual and where his condition was becoming progressively worse. He was not responding to treatment and the Public Health Service had no further treatment available. Certainly, the Public Health Service is not suggesting to the committee that when a serviceman has exhausted all medical treatment at service facilities and is not responding to such treatment and more advanced treatment is available at private facilities, that the only thing which the United States can do is to allow him to remain in the service hospital until he dies.

Secondly, the committee points out that the letter to the personnel officer of the Coast Guard which resulted in the issuance of the said orders was written by the Chief Medical Officer of the Coast Guard, who was an official of the Public Health Service detailed to this duty. In view of the fact that the Public Health Service was at that time legally responsible for medical services for the Coast Guard, it is unrealistic to say that the Public Health Service is without responsibility in this case. The claimant was critically ill and obviously in no condition to make certain that all regulations and redtape had been complied with. The orders were suggested by one of the ranking officers of the Public Health Service who was carrying out his responsibility of providing for medical treatment for members of the Coast Guard.

Thirdly, to say that the said orders were cut to facilitate his air travel by getting him a wartime priority appears to be merely a legalistic evasion. Certainly no blame can attach to the claimant for, first, he was critically ill and the orders specified that he was to have an attendant for his trip and, second, he was a serviceman and must obey such orders.

Finally, the committee feels that it is inconceivable that one of our armed services would, in the case of an officer who was critically ill in a service hospital, who had exhausted the treatment available in service facilities and who was not responding to such treatment, would merely permit such an officer on active duty to die without attempting to use more advanced treatment available at private facilities, or to retire him from the service and turn him out of a service hospital before his treatment was complete.

An affidavit on file with the committee indicates that substantial legal services have been rendered in this case and the attorney's fee proviso has been retained.

After a careful study of all of the documents available in the case, the committee is constrained to recommend that this bill, as amended, be favorably considered.

Attached hereto are reports from the Departments of Treasury and Health, Education, and Welfare, the Veterans' Administration and other pertinent data.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 10, 1956.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR MR. CHAIRMAN: This letter is in response to your request of February 10, 1956, for a report on H. R. 6190, a bill for the relief of Ens. Charles A. Binswanger.

The bill would direct the Secretary of the Treasury to pay to Ensign Binswanger (United States Coast Guard Reserve, retired) $5,224.18 in full settlement of his claims against the United States, (1) for reimbursement of medical, surgical, and hospital expenses incurred by him between January 30, 1946, and September 22, 1949, and (2) for unpaid amounts alleged to be due him at the time of his retirement in 1946, for mileage from Rochester, Minn., to Baltimore, Md. This Department is concerned only with the provision covering reimbursement for medical, surgical, and hospital expenses.

According to the documents annexed to the House Judiciary Committee's report (H. Rept. 1548), the medical, surgical, and hospital expenses for which Mr. Binswanger is seeking reimbursement were incurred during intermittent (rather than continuous) periods as a patient at the Mayo Clinic, sometimes as a hospital patient (at Colonial Hospital), sometimes as an outpatient. The House committee, though apprised of the fact that the Public Health Service had advised Mr. Binswanger's attorney (on May 10, 1954) that it had no legal authority to pay for his medical care at the Mayo Clinic, concluded that "in view of the fact that Ensign Binswanger was ordered (by the Coast Guard) to the Mayo Clinic for special treatment available there, the Government should stand the cost of such treatment." For the reasons summarized in the herewith enclosed memorandum of the Public Health Service, we are unable to reach the same conclusion.

Under the applicable law and Presidential regulations, only the Public Health Service could have authorized Mr. Binswanger's treatment at Mayo's at Government expense while he was in active-duty status. After his retirement for disability in the summer of 1946, the Service could not in any event, under the regulations, have authorized his treatment or hospitalization at Government expense at private facilities. The circumstances recited in the enclosed memorandum of the Surgeon General, in our judgment, not only confirm the Public Health Service's view that appropriate authority for private treatment at Government expense was never granted and that it could not allow Mr. Binswanger's claim, but they would seem to negate any inference that Mr. Binswanger was misled to believe that his expenses would be paid for him.

There do not appear to be such equities peculiar to this case as might warrant special legislative relief based on his status as a Coast Guard officer or retired officer when the medical and hospital expenses were incurred. Enactment of the bill on this basis, on the contrary, would in our view establish an undesirable precedent and would result in discrimination against other uniformed personnel looking to the Public Health Service for medical care and hospitalization. However, on the question whether reimbursement for the expenses incurred subsequent to his retirement should be granted to him, not because of his status as a retired Coast Guard officer but in virtue of his being a veteran, and, if so, whether on that basis he should be granted special legislative relief, we defer to the views of the Veterans' Administration.

The Bureau of the Budget advises that it perceives no objection to the submission of this report to your committee.

Sincerely yours,

M. B. FOLSOM, *Secretary.*

PUBLIC HEALTH SERVICE

THE SURGEON GENERAL

H. R. 6190, A BILL For the relief of Ensign Charles A. Binswanger

The following considerations bear upon the merits of the above-mentioned private relief bill:

1. Under the governing Presidential regulations and the interpretations and procedures thereunder, the Public Health Service could not have assumed responsibility for the cost of the patient's treatment and hospitalization at Mayo, unless such treatment and hopsitalization had been expressly authorized and arranged for by the Service, i. e., in this case (with headquarters approval) by the Public Health Service Hospital (formerly called United States Marine Hospital) at Baltimore, where the patient was hospitalized at the time he left to go to Mayo. Not only are the Service's records devoid of any indication that this was done or intended, but they do not indicate that those in medical charge of the patient had concluded that he could benefit from any treatment which was not available from the Service but was available at Mayo. The letter from the surgeon in charge of the urological service at the Baltimore hospital to Dr. Emmett, of Mayo, carefully avoids any such suggestion. It refers, rather, to the patient's desire to go to Mayo for treatment, and to the patient's hope that he might receive streptomycin therapy there, "as all other chemotherapy has been of no avail." In this connection, it should be noted that, so far as the Public Health Service is concerned, Coast Guard patients at Service hospitals who elect to leave and seek treatment elsewhere at their own expense, are free to do so.

2. The Coast Guard's "TD" (temporary duty) dispatch orders of January 30, 1946, issued while Mr. Binswanger was a patient at the Baltimore hospital, could not legally, and did not purport to, authorize treatment and hospitalization at the clinic at Government expense. The request for such orders was made by the Coast Guard's Chief Medical Officer who, though detailed for duty as such by the Public Health Service, was not in charge of the hospitalized patient and was not in a position, and did not purport to, authorize the patient's private treatment and hospitalization at Government expense. In the context, and considered against the background of the relevant regulations, the purpose and intent of that request should be construed as limited to what we understand to have been its purpose and intent, that is, to obtain Coast Guard permission for the patient to go to Rochester—he had to have the Coast Guard orders to leave Baltimore—and to facilitate his air travel by getting him a wartime priority.

3. Under the then applicable regulations, the Public Health Service could not have authorized continued nonemergency treatment and hospitalization of Mr. Binswanger at Service expense at facilities other than those of the Service after he was retired for disability. He had appeared before a retiring board on January 18, 1946 (about half a month before leaving for Mayo) and was notified on June 3, 1946, that he was being placed on the retired list effective June 1, 1946. (The Treasury Department's memorandum printed on page 12 of the House report fixes this date as July 1, 1946.) Most of the expenses at Mayo were incurred after his retirement.

4. In addition, even if, contrary to our view, the Coast Guard dispatch orders of January 30, 1946, were to be considered as giving a colorable claim for reimbursement of medical expenses, this could no longer be true after June 25, 1946, when the Coast Guard ordered Mr. Binswanger to "proceed to his permanent home," presumably in view of his retirement. Apart from that, it should be noted that he left Rochester in June 1947, after extended treatment. While he later returned intermittently for treatment, the last time in August 1949, these later trips presumably were not pursuant to Coast Guard orders.

5. It is clear the Mr. Binswanger, as well as the Mayo Clinic and the Colonial Hospital, fully understood that he, rather than the Government, would pay for any expenses incurred at Rochester. Their charges were billed to him and paid for by him, apparently without question, through the years, and his treatment there was, apparently, by no means limited to the streptomycin therapy which was his original objective in going there. The very fact that he did not submit any claim for reimbursement until 1954 (over 8 years after he first went to the Mayo Clinic and over 4 years after his last intermittent treatment there) would seem to indicate rather conclusively that he had not been misled into thinking that his expenses there would be borne by the Government. The claim for reimbursement was plainly an afterthought.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 6, 1956.

Mr. ROBERT M. KILGORE,
Senate Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR BOB: Confirming our telephone conversation this morning, enclosed you will find a letter from the Mayo Clinic which you requested in support of my bill, H. R. 6190, on behalf of Charles A. Binswanger.

I particularly invite your attention to the first paragraph of Dr. Ferris' letter in which he states that Mr. Binswanger was under continuous treatment, but was permitted to leave the hospital from time to time to convalesce. He was not discharged from the hospital at any time between February 4, 1946, and April 16, 1948, the period covered by my bill.

This, I believe, confirms Mr. Binswanger's statement that the required treatment was continuous, and I trust that Dr. Ferris' letter will resolve any doubts members of the Senate Judiciary Committee may have regarding this matter.

With warmest regards, I am,

Sincerely,

SAMUEL N. FRIEDEL.

MAYO CLINIC,
Rochester, Minn., June 1, 1956.

To Whom It May Concern:

Mr. Charles A. Binswanger, of Baltimore, Md., first registered at the Mayo Clinic February 4, 1946. From that time until April 16, 1948, he was under our care for hemangioma of the urinary bladder. He had multiple surgical procedures during this period and was allowed to return home from time to time to convalesce.

On February 21, 1946, I carried out suprapubic fulguration of multiple hemangiomata of the bladder and suprapublic cystostomy. On March 15, 1946, Dr. J. L. Emmett performed transurethral resection because of postoperative contracture of the vesical neck. On May 28, 1946, I carried out left pelvionephrolithotomy and multiple (2) nephrostomies because of a staghorn calculus of the left kidney. On September 26, 1946, it was necessary for Dr. Emmett to again do transurethral resection of the vesical neck because of contracture, and on October 29, 1946, I performed left nephrectomy and partial left ureterectomy because of pyonephrosis and pyelonephritis of the left kidney. September 29, 1947, it was necessary to do a right nephrostomy for hydronephrosis of this solitary kidney. For some reason this nephrostomy did not function too well and on March 23, 1948, a secondary posterolumbar incision was made and the lower pole of the kidney was exposed. Another nephrostomy was introduced through the lower calix of the kidney.

(Signed) D. O. FERRIS, M. D.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 10, 1954.

Mr. MARVIN M. POLIKOFF,
Attorney at Law, Tower Building, Baltimore 2, Md.

DEAR MR. POLIKOFF: Your letter of April 19, 1954, together with enclosures concerning a reimbursement claim for medical services and hospitalizations obtained by Mr. Charles Binswanger, United States Coast Guard (Reserve), while under treatment at the Mayo Clinic, has been forwarded to this office by Comdr. T. Le Blanc, United States Coast Guard Headquarters, as you requested.

We have carefully reviewed the hospital records and correspondence concerning Mr. Charles Binswanger. From the records, it appear that Mr. Binswanger was discharged from the United States Public Health Service Hospital, Baltimore, Md. (formerly the United States Marine Hospital) and that no authority for continued treatment at Public Health Service expense was granted. A copy of a letter addressed to Dr. Emmett of the Mayo Clinic and signed by the surgeon in charge, urological service, states: "He is desirous to report to your clinic for treatment of this condition and is in hopes that he may receive therapy with streptomycin as all other chemotherapy has been of no avail."

It is our understanding that the Coast Guard issued orders for Mr. Binswanger's travel in order to permit him to remain on sick leave and that the Coast Guard arranged for travel primarily to expedite it in wartime when priorities were necessary.

Under the circumstances, the Public Health Service has no legal authority to reimburse Mr. Binswanger for his private medical care.

The documents submitted by you are returned for your disposition.

Sincerely yours,

C. K. HIMMELSBACH, M. D.,
Medical Director,
Assistant Chief, Division of Hospitals.

Standard Form No. 1034—Revised

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

D. O. Vou. No. ____

Bu. Vou. No. ____

PAID BY

U. S. ____ (Department, bureau, or establishment)

Voucher prepared at ____ (Give place and date)

THE UNITED STATES, Dr., *Payee's Account No.* ____

To Charles Augustine Binswanger (Payee)

c/o Marvin M. Polikoff, Esq., 600 Tower Bldg., Baltimore 2, Md.

(Address) (City) (State)

No. and Date of Order	Date of Delivery or Service	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary) Discount Terms	QUANTITY	UNIT PRICE Cost	UNIT PRICE Per	AMOUNT Dollars	AMOUNT Cts.
		Reimbursement for hospital and medical treatment incurred in accordance with orders dated 30th of January, 1946.					

PAYMENT:
Complete ☐
Partial ☐
Final ☐

Use continuation sheet(s) if necessary

Shipped from ____ to ____ Weight ____ Government B/L No. ____ Total ____

I certify that the above bill is correct and just and that payment has not been received.

(Sign original only)

Date 4-8-54 *Payee x C A Binswanger

(Payee must NOT use this space)

Differences ____

Amount verified; correct for ____

(Signature or initials) ____

Per ____ Title ____

Contract No. ____ Date ____ Req. No. ____ Date ____ Invoice Rec'd. ____

Pursuant to authority vested in me, I certify that this account is correct and proper for payment.

† Approved for $ ____ † ____ (Authorized Certifying Officer)

By ____ SIGN ORIGINAL ONLY Title ____

Title ____ Date ____

THE REVERSE OF THIS FORM MUST BE EXECUTED WHEN PURCHASES ARE MADE OR SERVICES SECURED WITHOUT WRITTEN AGREEMENT IN ANY FORM

ACCOUNTING CLASSIFICATION (Appropriation Symbol must be shown; other classification optional)

Paid by { Check No. ____ dated ____, 19__, for $ ____ { on Treasurer of the United States in favor of payee named above.
Cash, $ ____, on ____, 19__ Payee ____ (Sign original only)

* When a voucher is signed or receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.
† If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign on the line below "Approved for $ ____", and over his official title.

Per ____

Title ____

MAYO CLINIC,
Rochester, Minn., March 26, 1954.

Mr. CHARLES BINSWANGER (1–456–045),
39th Street and University Parkway,
Baltimore, Md.

Date	Item	Charge	Credit
Feb. 22, 1946	Surgical charge	$250	
Mar. 16, 1946	do	250	
May 29, 1946	do	250	
June 6, 1946	do	60	
June 25, 1946	do	60	
Sept. 27, 1946	do	150	
Nov. 1, 1946	do	275	
Apr. 29, 1947	do	25	
June 11, 1947	Clinical charge	775	
Do	Discount		$1,340
Do	Payment		305
Sept. 30, 1947	Surgical charge	275	
Nov. 22, 1947	Clinical charge	655	
Mar. 25, 1948	Surgical charge	150	
Apr. 20, 1948	Clinical charge	95	
Do	Discount		625
Do	Payment		100
Aug. 6, 1948	do		100
Mar. 4, 1949	do		100
Aug. 18, 1949	do		50
Aug. 29, 1949	Surgical charge	50	
Sept. 6, 1949	do	25	
Sept. 21, 1949	Clinical charge	225	
Do	Payment		50
Jan. 7, 1950	do		50
Mar. 28, 1950	do		100
Aug. 8, 1950	do		50
Nov. 11, 1950	do		50
Feb. 28, 1951	do		25
May 11, 1951	do		25
July 11, 1951	do		50
Nov. 16, 1951	do		50
Feb. 14, 1952	do		50
July 12, 1952	do		50
Oct. 15, 1952	do		25
Mar. 7, 1953	do		25
May 13, 1953	do		25
July 9, 1953	do		25
Oct. 13, 1953	do		25
Dec. 12, 1953	do		25
Feb. 11, 1953	do		25
	Present balance due on account	$225	

I hereby certify this is a true and correct transcript of the charges and payments which have been made on the account of Charles Binswanger.

GROVER TOCK, *Cashier.*

Subscribed and sworn to before me, a notary public, in and for Olmsted County, Minn., this 26th day of March 1954.

O. C. HALLING,
Notary Public, Olmsted County, Minn.

My commission expires December 3, 1958.

BALTIMORE, MD., *August 29, 1952.*

In re Charles Binswanger, Broadview Apartments, University Drive, Baltimore, Md. Official status: Ensign, retired, United States Coast Guard Reserve.

SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: My client, the above-named individual, served in the United States Coast Guard Reserve as ensign. He was commissioned permanent ensign in such Reserve in November 1942. He was retired on June 1, 1946, as disclosed by copy of letter designated "Exhibit A," enclosed herewith.

On January 30, 1946, Ensign Binswanger was authorized under orders to proceed to Rochester, Minn., for medical treatment at the Mayo Clinic. He arrived there on or about February 4, 1946, and remained there continuously as a patient until June 11, 1947. He returned to the clinic for treatment and diagnosis in

September 1947 and remained there continuously from that time until on or about November 16, 1947. He again returned to the clinic for continued diagnosis and treatment in March 1948 and remained there continuously for about 1 month. He again returned in August 1949 to the clinic for continued treatment and remained for about 1 month.

As a result, the subject paid out in hospital and doctors' bills an amount in excess of $5,000, for which he has received no reimbursement from the Coast Guard or from the United States Treasury Department.

Before submitting an immediate detailed claimed amount for the reimbursement of expenses incurred by my client, it is requested that you forward to me the particular formal documents to be filed with your Department respecting this claim, together with any pertinent regulations affecting the rights, duties, and obligations of the claimant. And it is further requested that you advise whether it would aid your office in facilitating the disposition of the claim if prior suit were to be instituted in the United States District Court for the District of Maryland.

Kindly consider this letter as a generalized claim, to be perfected in due course.

Very truly yours,

MARVIN M. POLIKOFF.

AUGUST 25, 1952.

Know all men by these presents, that I, Charles Binswanger, have appointed, and by these presents do make, constitute, and appoint Marvin M. Polikoff, of Baltimore, Md., my true and lawful attorney, for me and in my name, place, and stead, to prosecute my claim against the United States Coast Guard and/or the United States Government for medical and other expenses, and hereby revoking all other powers of attorney, giving and granting unto my said attorney full power and authority to do and perform all and every act incident thereto.

CHARLES BINSWANGER.

I hereby certify, that on this 25th day of August 1952 before me, the subscriber, a notary public in and for Anne Arundel County, State of Maryland, aforesaid, personally appeared Charles Binswanger and made oath in due form of law that all of the matters and facts set forth in the aforegoing petition and true to the best of his knowledge, information, and belief.

As witness, my hand and notarial seal.

CATHERINE D. STUMPF, *Notary Public.*

THE AMERICAN NATIONAL RED CROSS,
Baltimore, Md., July 28, 1952.

Re officer retired while in private hospital.

Mr. MARVIN POLIKOFF,
7 St. Paul Street, Baltimore, Md.

DEAR MR. POLIKOFF: Several weeks ago you visited our office regarding a problem of one of your comrades who was retired while being treated at the Mayo Clinic. We have referred the case to our area office and have received an opinion based on advice from our staff in central office of the Veterans' Administration to the effect that the same rules apply to this case as to any other case where hospitalization in a private hospital is not authorized by the Veterans' Administration or the Veterans' Administration notified within 72 hours after the veteran's hospitalization.

I realize that there are extenuating circumstances in this case but it seems that this is a hard and fast rule and the Veterans' Administration simply refuses to pay expenses unless they make prior authorization for the hospitalization or are notified within the time limit mentioned. The veteran, however, has nothing to lose by applying for payment and we are enclosing a form which he can complete and send to the chief medical officer here. It will be referred to the central office of the Veterans' Administration. My opinion is tnat it will be denied but it will cost nothing to try.

We feel that the veteran should write a letter of explanation when he files his application for payment and explain all of the circumstances in detail.

If we can be of further service please do not hesitate to call upon us.

Very truly yours,

DOUGLAS S. KRICK,
Field Director.

This Statement is for Board, Room and Nursing and Does Not Include Charges made by the Mayo Clinic for Laboratory, Medical or Surgical services in the Hospitals.
Advance deposit will appear as a credit on final hospital statement
Hospital Bills Payable Weekly.

Rochester, Minn., 4/15 1948

Mr. Charles A Binswanger

2204 Park ave., Baltimore, Md.

TO COLONIAL HOSPITAL DR.

THE EAHLER CORPORATION
ROY WATSON, President and Gen. Manager — Proprietors — J. H. MITCHELL, Manager Colonial Hospital

Room	Date 1948	To	No. Days	Rate per Day	TOTAL
352	2/4	3/12/1946	36	7.50	270.00
355	3/12	4/3/1947	303	6.75	2045.25
Special Nur'sRecord					8.00
Anesthetic					
Barber					2.25
Catheterization Charge	9 @ .25				
Colloid Baths					
Syringe Sets	74 days @.25				18.50
Dressings					31.10
Drugs					429.32
Fans					
Genito-Urinary Charge	229 days @.75				171.75
Gowns					
Hip Treatment Cards					
Special Dressing Service					
Inhalation Kettle	2 days @.50				1.00
Intravenous Solutions					70.45
Operating Room Charge					127.00
Oxygen and CO2					23.81
Personal Laundry					
Radio					2.50
Serum					
S. I. Cards					
Special Diet					35.64
Telegrams and Telephone					80.53
Beverage					.15
Dark Glasses					
Check Exchange					2.25
Curie Hospital Operating & Ele					9.00
Total Account					3328.70
Credits					3328.70
Balance Due. Payable Today					.....

Received Statement
JUL 12 1948
Colonial Hospital

This Statement is for Board, Room and Nursing and Does Not Include Charges made by the Mayo Clinic for Laboratory, Medical or Surgical services in the Hospitals.
Advance deposit will appear as a credit on final hospital statement
Hospital Bills Payable Weekly.

Rochester, Minn., 4/15 1948

Mr. Charles A Binswanger

550 S High St. Lawrenceburg, Indiana

TO COLONIAL HOSPITAL DR.

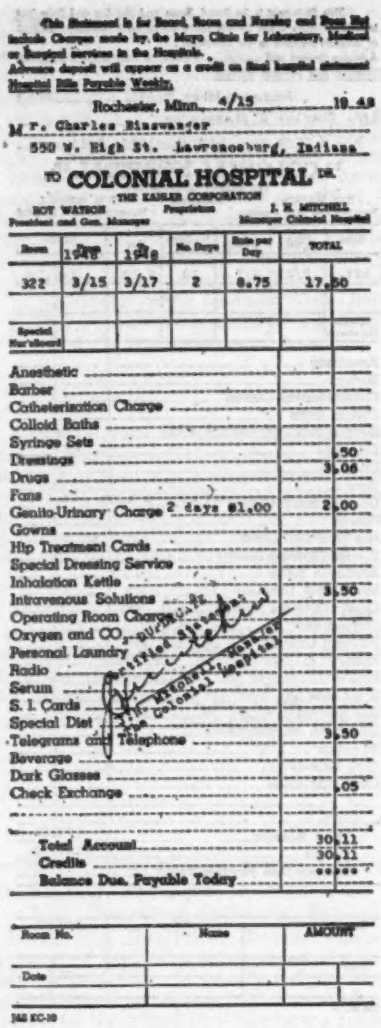
THE EAHLER CORPORATION
ROY WATSON, President and Gen. Manager — Proprietors — J. H. MITCHELL, Manager Colonial Hospital

Room	Date 1948	To 1948	No. Days	Rate per Day	TOTAL
353	3/23	4/5	13	8.75	111.75
Special Nur'sRecord					
Anesthetic					
Barber					
Catheterization Charge					
Colloid Baths					
Syringe Sets	6 days @ .75				4.50
Dressings					3.00
Drugs					26.27
Fans					
Genito-Urinary Charge	13 days @ 1.00				13.00
Gowns					
Hip Treatment Cards					
Special Dressing Service					
Inhalation Kettle					
Intravenous Solutions					9.50
Operating Room Charge					23.50
Oxygen and CO2					
Personal Laundry					
Radio					
Serum					
S. I. Cards					
Special Diet					
Telegrams and Telephone					
Beverage					
Dark Glasses					
Check Exchange					
Total Account					193.52
Credits					193.52
Balance Due. Payable Today					.....

Received Statement
JUL 12 1948
Colonial Hospital

Room No.	Name	AMOUNT
Date		

14E EC-10



This Statement is for Board, Room and Nursing and Does Not include Charges made by the Mayo Clinic for Laboratory, Medical or Surgical services in the Hospitals.
Advance deposit will appear on a credit on final hospital statement
Hospital Bills Payable Weekly.

Rochester, Minn. 4/15 19 48

M r. Charles Binswanger
550 W. High St. Lawrenceburg, Indiana

TO COLONIAL HOSPITAL DR.

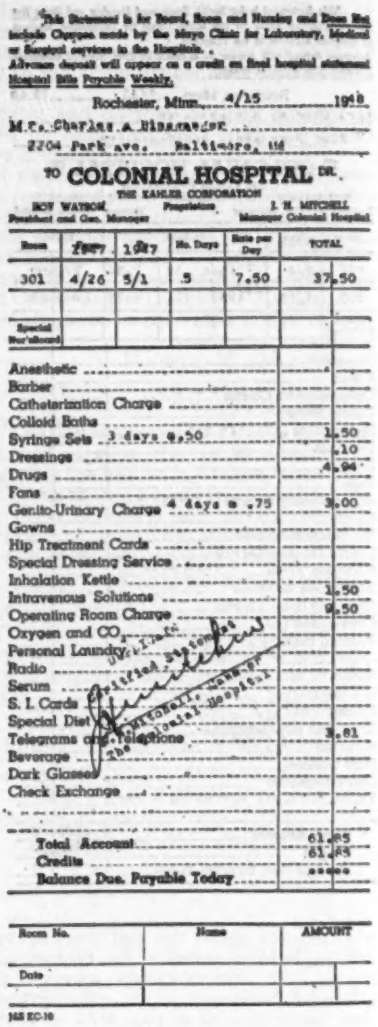
ROY WATSON, President and Gen. Manager — THE KAHLER CORPORATION, Proprietors — J. H. MITCHELL, Manager Colonial Hospital

Room	Date 1948	Date 1948	No. Days	Rate per Day	TOTAL	
322	3/15	3/17	2	8.75	17	50
Special Nur'sHours						
Anesthetic						
Barber						
Catheterization Charge						
Colloid Baths						
Syringe Sets						
Dressings						50
Drugs					3	06
Fans						
Genito-Urinary Charge	2 days @1.00				2	00
Gowns						
Hip Treatment Cards						
Special Dressing Service						
Inhalation Kettle						
Intravenous Solutions					3	50
Operating Room Charge						
Oxygen and CO_2						
Personal Laundry						
Radio						
Serum						
S. I. Cards						
Special Diet						
Telegrams and Telephone					3	50
Beverage						
Dark Glasses						
Check Exchange						05
Total Account					30	11
Credits					30	11
Balance Due. Payable Today					*****	

Certified Statement Received Colonial Hospital

Room No.	Name	AMOUNT	
Date			

145 EC-10



This Statement is for Board, Room and Nursing and Does Not include Charges made by the Mayo Clinic for Laboratory, Medical or Surgical services in the Hospitals.
Advance deposit will appear on a credit on final hospital statement
Hospital Bills Payable Weekly.

Rochester, Minn. 4/15 19 48

M r. Charles A Binswanger
2704 Park ave. Baltimore, Md

TO COLONIAL HOSPITAL DR.

ROY WATSON, President and Gen. Manager — THE KAHLER CORPORATION, Proprietors — J. H. MITCHELL, Manager Colonial Hospital

Room	Date 1947	Date 1947	No. Days	Rate per Day	TOTAL	
301	4/26	5/1	5	7.50	37	50
Special Nur'sHours						
Anesthetic						
Barber						
Catheterization Charge						
Colloid Baths						
Syringe Sets	3 days @.50				1	50
Dressings						10
Drugs					4	94
Fans						
Genito-Urinary Charge	4 days @ .75				3	00
Gowns						
Hip Treatment Cards						
Special Dressing Service						
Inhalation Kettle						
Intravenous Solutions					1	50
Operating Room Charge					9	50
Oxygen and CO_2						
Personal Laundry						
Radio						
Serum						
S. I. Cards						
Special Diet						
Telegrams and Telephone					3	81
Beverage						
Dark Glasses						
Check Exchange						
Total Account					61	85
Credits					61	85
Balance Due. Payable Today					*****	

Certified Statement Received Colonial Hospital

Room No.	Name	AMOUNT	
Date			

145 EC-10

JUNE 3, 1946.

To: Ens. Charles A. Binswanger, USCGR.
Via: Commander, 1st Coast Guard District.
Subject: Notification of retirement.

1. The Coast Guard Retiring Board convened in your case found that you are incapacitated for active duty in the Coast Guard Reserve by reason of physical disability, that your incapacity is permanent, as the result of an incident of service, and that you became disabled subsequent to appointment as ensign.

2. The President of the United States approved the proceedings and findings of the retiring board on May 29, 1946.

3. In accordance with the provisions of 5 United States Code 47a, you are being placed on the retired list on June 1, 1946.

F. P. VETTERICK
(By direction).

Certified to be true copy.

H. L. WOOD,
Commander, United States Coast Guard.

U. S. COAST GUARD

OUTGOING OFFICIAL MESSAGE

UNIT DATE 30 JAN 1946 SECURITY CLASSIFICATION

FROM Commandant

TO (FOR ACTION) MARINE HOSPITAL BALTIMORE MD	XX	EMERGENCY "O" / OPERATIONAL IMMEDIATE "OP" / PRIORITY "P" / ROUTINE "R" / DEFERRED "NM"
TO (FOR INFORMATION) MAYO CLINIC ROCHESTER MINN	XX	EMERGENCY "O" / OPERATIONAL IMMEDIATE "OP" / PRIORITY "P" / ROUTINE "R" / DEFERRED "NM"

MAIL TO

TELEPHONE TO

MESSENGER TO MEDICAL 1-6

REFERS TO MESSAGE: IDENTIFICATION / CLASSIFICATION

CRYPTOPRECAUTION: YES ☐ NO ☐

OUTGOING HEADING

OO 12TH GOVT PD WASH 30 JAN 636 P 302202

TEXT

FOR ENS CHARLES A. BINSWANGER RES PROCEED TO ROCHESTER MINN FOR TD AND RESUME PRESENT STATUS
X ON COMPLETION HET BALTIMORE MDX TRAVEL BY COMMERCIAL AND OR GOVT AIR
AUTHD FOR TRAVEL BY MATS CLASS 3 PRIORITY CERTIFIED X MILEAGE ALLWD EXCEPT
TRAVEL BY AIR FOR WHICH PERDIEM AUTHD EXP CHGBL HQ ALLOT 051 DASH 20

CERTIFIED TO BE TRUE COPY

H. L. WOOD
CDR USCG

CGWU122336/30 # 116 302202 FM

OPERATOR'S RECORD 3-5 EB DRAFTED BY (POA)
CAPT F P VETTERICK USCG

RELEASED BY
CAPT FP VETTERICK USCG
CHIEF, OFFICER ASSIGN DIV

SECURITY CLASSIFICATION

JANUARY 30, 1946.

Office Memorandum, United States Government.
To: Chief Personnel Officer.
From: Office of the Chief Medical Officer.
Subject: Ens. Charles A. Binswanger, USCGR; orders; temporary duty; request for.

Mr. Binswanger is now critically ill in the Marine Hospital, Baltimore, and telephone information indicates that he is in need of streptomycin therapy which is available at the Mayo Clinic, Rochester, Minn. It is requested that Mr. Binswanger be issued dispatch orders at the Marine Hospital, Baltimore, authorizing him to proceed by air to Rochester, Minn., to obtain this necessary treatment. It is probable that he will require an attendant and it is further recommended that Ph. M. 1c James W. Claus (615–150), on duty at the Marine Hospital, Baltimore, be authorized to proceed as attendant via air travel if necessary. If

Claus proceeds on orders same should direct him to return to Baltimore upon completion of temporary duty. Orders for Mr. Binswanger should direct him to return to Baltimore upon completion of treatment at Rochester.

PAUL M. STEWART,
Rear Admiral, United States Public Health Service.

Certified to be true copy.

H. L. WOOD,
Commander, United States Coast Guard.

UNITED STATES PUBLIC HEALTH SERVICE,
Boston, Brighton 25, Mass., January 18, 1946.

From: G. C. Lake, medical director, and Anthony J. Lund, passed assistant surgeon.
To: President, United States Coast Guard Retiring Board.
Subject: Examination of Charles A. Binswanger, ensign, USCGR.

We have carefully and separately examined Charles A. Binswanger, ensign, United States Coast Guard Reserve, as to his past and present physical and mental condition, together with the records pertaining to his case, and report as follows:

Charles A. Binswanger was born June 6, 1916, and is, therefore, 29 years, 7 months, and 12 days old. He was commissioned a permanent ensign in the United States Coast Guard Reserve on November 25, 1942.

Records of physical examinations under date of June 12 and November 2, 1942, throw no light on his present disability. According to the patient's history, we have no indication of his present disease until January 4, 1943, when he suddenly developed urinary retention. He was treated at the United States Naval Hospital, Argentia, Newfoundland, improved rapidly, and on January 12, 1943, was discharged to duty. His history taken at that time stated he had had pain in the left kidney region for some months but had never passed a stone and had no urinary symptoms.

He returned to sea duty and the record shows that on January 30, 1943, he passed a urinary calculus and some blood, accompanied with urgency and frequency. On February 25, 1943, he was returned to Argentia and remained there until March 3, 1943, when he was transferred to the nearest hospital in the United States.

The Argentia record indicates that the medical officer at that facility held the opinion that Ensign Binswanger's condition was present prior to enlistment. A definite diagnosis was not made at that time other than renal calculus with complications. On March 30, 1943, the subject-named man entered the United States Marine Hospital, Boston, Mass., and remained there unitl May 24, 1943. He was readmitted on June 5, 1943, and was hospitalized until October 11, 1943. During these hospitalizations, he was found to be suffering from stricture of the urethra, chronic cystitis and a calculus in the right kidney. Limited duty was recommended.

On October 15, 1943, while on leave, he entered the United States Marine Hospital, Baltimore, Md., and was not discharged until May 30, 1944. The principal findings were contracture of the bladder neck, urethral stricture, renal calculus, right, chronic cystitis, bladder calculus, chronic prostatitis, postoperative hemorrhage, secondary anemia, diarrhea and infected hydronephrosis. Since that time, he has been in the United States Marine Hospital, Boston, Mass., from November 14 to December 14, 1944, from January 19 to April 18, 1945, and from October 6, 1945, to the present date.

Observation of the patient during these periods of hospitalization, together with the many physical and laboratory examinations made, including also the X-ray and cystoscopic examinations, show that he is now suffering from an involvement of the entire urinary tract from the urethra to the kidney and the condition is becoming progressively worse.

Physical examination shows an emaciated, seriously ill individual. He suffers greatly and has to urinate frequently, passing a small amount of infected purulent urine. He states that during the day he has to urinate about every 30 minutes. The diagnoses are based on the X-ray, laboratory, and cystoscopic reports together with the history of the case.

It is our opinion that this man's disability dates from January 4, 1943, the date of his first urinary obstruction. Referring to the notation in his health record made under date of March 9, 1943, in Argentia, that in the opinion of the medical officer signing the statement the condition existed prior to enlistment, we can only

state that if such were the case, we believe the patient was not aware of the fact, and that the medical officer who conducted the examinations on June 12 and November 2, 1942, found no evidence suggestive of the extensive genitourinary disease which subsequently developed.

We believe that Charles A. Binswanger, ensign, USCGR is suffering from urethro-cysto-uretero-pyelonephritis with complications including kidney calculi. We believe that this condition is progressive and permanent, by reason of which he is incapacitated for active duty in the United States Coast Guard. We believe that all reasonable measures for the amelioration of his condition have been taken. We believe that his incapacity is not the result of his own vicious habits and is incident to service.

G. C. LAKE,
Medical Director,
United States Public Health Service.
ANTHONY J. LUND,
Passed Assistant Surgeon,
United States Public Health Service.

Sworn to and subscribed to before me this 18th day of January 1946.

CHARLES L. SCOTT,
Authority Act of Congress April 9, 1943.

Certified to be true copy.

H. L. WOOD,
Commander, United States Coast Guard.

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington 25, D. C., July 20, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CELLER: Further reference is made to your letter requesting a report by the Veterans' Administration relative to H. R. 6190, 84th Congress, a bill for the relief of Ens. Charles A. Binswanger, which provides as follows:

"That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ensign Charles A. Binswanger, Baltimore, Maryland (United States Coast Guard Reserve, retired), the sum of $5,224.18. The payment of such sum shall be in full settlement of all claims of the said Ensign Charles A. Binswanger against the United States (1) for reimbursement of medical, surgical, and hospital expenses incurred by him during the period beginning January 30, 1946, and ending on September 22, 1949, and (2) for unpaid amounts due him at the time of his retirement in 1946 for mileage from Rochester, Minnesota, to Baltimore, Maryland: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Records furnished by the United States Coast Guard disclosed that Charles Augustus Binswanger served in the Coast Guard during World War II. While in service, he was hospitalized from January 4 to 12, 1943; with the exception of brief periods, from February 7, 1943, to May 30, 1944; from November 14 to December 14, 1944; from January 19 to April 18, 1945; and from August 31, 1945, to February 2, 1946. On November 1, 1946, he was placed in a retired status due to physical disability, incident to service, of bilateral hydronephrosis; severe cystitis; nephrolithiasis (stag horn calculus); and chronic ureteritis. He was awarded retired pay of $177.84 per month.

The first information which the Veterans' Administration received with respect to Mr. Binswanger's hospitalization following his retirement was furnished by him in connection with a claim for waiver of premiums on his national service life insurance, which was filed on June 10, 1952. The adjudication of that claim is not material to the matter at issue in H. R. 6190. However, in that claim, and later, in the course of developing it, the veteran stated that, in February 1946, the Coast Guard transported him to the Mayo Clinic, Rochester, Minn., where he was hospitalized in the Colonial Hospital for treatment of the conditions for

which he was retired some months later. Mr. Binswanger stated that he remained a hospital patient until January 1947; received daily outpatient treatment at the Mayo Clinic from January to June 1947; and was later rehospitalized at the Colonial Hospital, for the same conditions, from August to November 1947; from March to May 1948; and from September to November 1948. The files of the Veterans' Administration do not contain any information as regards the veteran's medical or hospital care from November 1948 to September 22, 1949 (the date referred to in H. R. 6190), nor any information with respect to the cost of his private hospital care and treatment.

The veteran has not filed a claim for service-connected disability compensation with the Veterans' Administration. As a result, no determination has ever been made whether he has disabilities which are service-connected for purposes of laws administered by the Veterans' Administration. However, irrespective of the question of service connection, Mr. Binswanger was eligible, subsequent to his retirement from the Coast Guard on November 1, 1946, to hospital care and treatment by the Veterans' Administration. If his disabilities were found to be service-connected, he was also eligible for outpatient treatment of such conditions and, under certain circumstances, to reimbursement or payment of expenses for medical treatment of such disabilities, including the necessary traveling incident thereto, obtained without prior authorization of the Veterans' Administration.

The records fail to disclose that Charles A. Binswanger has applied to the Veterans' Administration for either hospitalization, outpatient treatment, or reimbursement of unauthorized medical expenses. With respect to the latter benefit, however, he advised, in connection with the claim for waiver of premiums mentioned above, that he had filed a claim with the United States Coast Guard for reimbursement of the expenses incident to his hospitalization at the Mayo Clinic. The Veterans' Administration is not informed of the disposition of that claim. In this connection, it is understood that your committee has requested a report on the bill from the Secretary of the Treasury. Undoubtedly that report will contain additional information in regard to his claim, as well as the comments of that Department with respect to Mr. Binswanger's claim for "unpaid amounts due him at the time of his retirement in 1946 for mileage from Rochester, Minnesota, to Baltimore, Maryland" (lines 1–3, p. 2, of H. R. 6190), concerning which claim the Veterans' Administration has no information.

The Veterans' Administration is not informed of any justification for the proposed reimbursement of Charles A. Binswanger for medical expenses which he incurred subsequent to his retirement from service on November 1, 1946. The remaining portions of H. R. 6190 appear to be of primary concern to the Department of the Treasury and, accordingly, no comment is offered by the Veterans' Administration with respect thereto.

Advice has been received from the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

Sincerely yours,

H. V. HIGLEY, *Administrator.*

TREASURY DEPARTMENT,
Washington, July 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

MY DEAR MR. CHAIRMAN: Reference is made to the request of your committee for the views of the Treasury Department on H. R. 6190, for the relief of Ens. Charles A. Binswanger.

The purpose of H. R. 6190 is to authorize payment by the Government to Ensign Binswanger of the sum of $5,224.18 for (1) reimbursement for medical, surgical, and hospital expenses incurred by him between January 30, 1946, and September 22, 1949, and (2) unpaid mileage from Rochester, Minn., to Baltimore, Md., due him at the time of his retirement in 1946.

The United States Public Health Service furnishes medical services to the Coast Guard under section 326 of the act of July 1, 1944 (42 U. S. C. 253). Ensign Binswanger's claim for medical expenses appears to be within the purview of the Public Health Service. Therefore, the Treasury Department does not desire to comment on that aspect of H. R. 6190.

The Treasury Department is opposed to the provision of H. R. 6190 that would authorize the payment of unpaid mileage from Rochester, Minn., to Baltimore, Md., allegedly due him at the time of his retirement in 1946. Such Coast Guard

records as are still in existence do not reflect any claim by Ensign Binswanger for such mileage. In other words, it does not appear that he has exhausted the administrative processes for collecting any unpaid mileage justly due him.

The facts pertinent to the consideration of H. R. 6190 are set forth in a memorandum attached.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

MEMORANDUM RE H. R. 6190, RELIEF OF ENS. CHARLES A. BINSWANGER, USCGR (RETIRED)

Charles A. Binswanger was enlisted in the United States Coast Guard Reserve as an apprentice seaman on June 20, 1942. He was appointed with the commissioned rank of ensign in the Coast Guard Reserve on November 25, 1942. He appeared before a retiring board on January 18, 1946. The board recommended that he be retired for physical disability. This recommendation was approved and he was placed on the retired list on July 1, 1946. From July 1943 until the date of his retirement he was hospitalized for long periods.

On January 30, 1946, subsequent to his appearance before the retiring board, Rear Adm. Paul M. Stewart, United States Public Health Service, the then Chief Medical Officer of the Coast Guard, addressed a memorandum to the Chief Personnel Officer, United States Coast Guard, as follows:

"Mr. Binswanger is now critically ill in the Marine Hospital, Baltimore, and telephone information indicates that he is in need of streptomycin therapy which is available at the Mayo Clinic, Rochester, Minn. It is requested that Mr. Binswanger be issued dispatch orders at the Marine Hospital, Baltimore, authorizing him to proceed by air to Rochester, Minn., to obtain this necessary treatment. It is probable that he will require an attendant and it is further recommended that Ph. M. 1c James W. Claus (615-150), on duty at the Marine Hospital, Baltimore, be authorized to proceed as attendant via air travel if necessary. If Claus proceeds on orders same should direct him to return to Baltimore upon completion of temporary duty. Orders for Mr. Binswanger should direct him to return to Baltimore upon completion of treatment at Rochester."

Pursuant to Admiral Stewart's recommendation, dispatch orders were issued to Ensign Binswanger as follows:

"For Ens Charles A. Binswanger Res Proceed To Rochester Minn for TD X on completion ret Baltimore Md and resume present status X Travel by commercial and or govt air authd for travel by nats class S priority certified X Mileage allwd except travel by air for which perdiem authd exp chgbl HQ allot 051 dash 20."

Ensign Binswanger proceeded to Rochester, Minn., in compliance with the orders.

Bills for medical services submitted by Ensign Binswanger indicated that he was a patient at the Colonial Hospital (Mayo Clinic), Rochester, Minn., during the following periods February 4, 1946, to January 9, 1947; April 26 to May 1, 1947; March 15 to 17, 1948; March 23 to April 5, 1948.

Meanwhile, on June 25, 1946, the Commandant, United States Coast Guard, ordered Ensign Binswanger to proceed to his permanent home and advise Coast Guard Headquarters the date of arrival there and his complete address. He was advised that when his permanent home was established and request was submitted to headquarters, the travel of his dependents and the transportation of his household effects would be authorized to his permanent home. He was advised that this travel must have been completed within 1 year from the termination of the present war.

Ensign Binswanger requested reimbursement for the cost of medical treatment received at Mayo Clinic. A letter from the Assistant Chief, Medical Division, Coast Guard Headquarters, to the Surgeon General, United States Public Health Service, dated April 22, 1954, transmitted the bills to the public health center together with other pertinent papers. A letter from the Assistant Chief, Division of Hospitals, United States Public Health Service, dated May 10, 1954, to Ensign Binswanger's attorney advised that the Public Health Service had no legal authority to reimburse Ensign Binswanger for any medical care received at the Mayo Clinic.

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Calendar No. 2372

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2348

CERTAIN CASES IN WHICH THE ATTORNEY GENERAL HAS SUSPENDED DEPORTATION PURSUANT TO SECTION 244 (a) (5) OF THE IMMIGRATION AND NATIONALITY ACT

JUNE 25 (legislative day, JUNE 22), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. Con. Res. 84]

The Committee on the Judiciary, to which was referred certain cases in which the Attorney General has suspended deportation, having considered the same, reports favorably on certain of said cases and recommends that Senate Concurrent Resolution 84 with reference to certain of said cases do pass.

PURPOSE OF THE CONCURRENT RESOLUTION

The purpose of the concurrent resolution is to record congressional approval in accordance with Public Law 414 of the 82d Congress of suspension of deportation in certain cases in which the Attorney General has suspended deportation pursuant to section 244 (a) (5) of the Immigration and Nationality Act.

STATEMENT OF FACTS

This resolution includes certain cases in which the Attorney General has exercised the discretionary authority granted to him under the Immigration and Nationality Act to suspend the deportation of certain aliens deportable as former subversives, criminals, immoral persons, violators of the narcotic laws or violators of the alien registration laws. The cases have been referred to the Congress by the Attorney General under the procedure prescribed in the act which requires affirmative approval by both the Senate and House of Representtives in this type of case before the act of the Attorney General in suspending deportation may become final and the immigration status of the alien adjusted to that of an alien lawfully admitted for permanent residence. In a majority of the cases the aliens were originally lawfully admitted to the United States, they have long periods of residence, and they have close family ties in this country. In each case which is recom-

mended for approval, a careful check has been made to determine whether or not the alien has met the requirements of the law, is of good moral character, and his case presents strong equities which would warrant the grant of suspension of deportation. In each case, it has been administratively found that the alien has effected a genuine reformation.

Under the provisions of section 244 (a) (5) of the Immigration and Nationality Act, the Attorney General is granted the discretionary authority, upon application by the alien, to adjust the status of certain aliens who have committed acts making them deportable as subversives, criminals, immoral persons, violators of the narcotic laws, or violators of the alien registration laws, through a suspension of deportation procedure. This form of discretionary relief is available to the deportable alien within those categories upon a showing (1) of 10 years' continuous physical presence in the United States following the commission of an act or the assumption of a status constituting a ground for deportation; (2) that he has not been served with a final order of deportation up to the time of his application for suspension; (3) that he has been a person of good moral character during the required period of physical presence; and (4) that his deportation would result in exceptional and extremely unusual hardship to himself or to his spouse, parent or child, who is a citizen or an alien lawfully admitted for permanent residence.

Prior to December 24, 1952, the effective date of the Immigration and Nationality Act and since 1940, there has been in effect a suspension of deportation procedure under which the Attorney General has had discretionary authority to adjust administratively the status of certain deportable aliens under conditions specified in the law. However, under the procedure as it existed prior to December 24, 1952, the Attorney General was specifically denied the authority to grant suspension of deportation to aliens deportable as former subversives, criminals, immoral persons, and physical and mental defectives under the provisions of section 19 (d) of the Immigration Act of 1917. While the absolute bar to suspending the deportation of aliens in such categories has been removed, section 244 (a) (5) of the Immigration and Nationality Act sets forth precise standards for determination of whether or not the individual cases merit the administrative relief made available to the deportable alien. Under the procedure prescribed, the Attorney General is required to report each case in which he suspends deportation under section 244 (a) (5) of the act to the Congress, and affirmative congressional approval is required in each case before the suspension of deportation becomes final and the status of the alien can be adjusted to that of a permanent resident.

Included in the concurrent resolution are 69 cases. Of the 66 cases referred to the Congress on January 17, 1956, 65 have been approved and are included in this concurrent resolution, and 1 case has been held for further study and investigation. Three cases which were previously held for further study and investigation have now been approved and are included in the resolution, as well as one case which was submitted to the Congress in error under section 244 (a) (1) rather than section 244 (a) (5).

The committee, after consideration of all the facts in each case referred to in the concurrent resolution, recommends that the concurrent resolution do pass.

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